



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

REGULAR MEETING OF THE MIDLAND CITY COUNCIL
City Hall, 333 W. Ellsworth Street

March 16, 2020

7:00 PM

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Steve Arnosky
Diane Brown Wilhelm
Maureen Donker
Pamela Hall
Marty A. Wazbinski

CONFLICT OF INTEREST DISCLOSURE STATEMENT

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. * Approve minutes of the February 24 special City Council meeting.
ARMSTRONG
2. * Approve minutes of the February 24 regular City Council meeting.
ARMSTRONG
3. * Approve minutes of the March 4 special City Council meeting. BRANSON
4. * Approve minutes of the March 11 special City Council meeting. BRANSON

PROCLAMATIONS, AWARDS, RECOGNITIONS, PRESENTATIONS:

5. March for Meals Month March 2020. GUYER

PUBLIC HEARINGS:

- 6. Public Hearing to amend the 2019/20 Major Street Fund budget (also see material sent in the February 24 agenda packet) FREDRICKSON
 - a. Increase expenditures for construction costs related to the 2020 Eastman Avenue Reconstruction project
 - b. Add expenditure for 2020 Cambridge Street reconstruction project
- 7. Public hearing to approve the Midland Daily News Building Redevelopment Project Brownfield Project (also see material sent in the February 24 agenda packet). KEENAN

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

RESOLUTIONS:

- 8. * Receiving and filing the City Attorney's Report on the Annual Review of Liquor Licenses in the City of Midland. BRANSON
- 9. * Resolution recommending approval of the request from Mi Element Grains and Grounds, LLC for a new on-premises tasting room permit to be located at 3124 Jefferson Avenue. BRANSON
- 10. * Rural Business Development Grant for pre-engineering work for Center City Redevelopment, Saginaw Road Streetscape project. TISDALE

Considering purchases and contracts:

- 11. 2020 Eastman Avenue Reconstruction; Contract No. 01. FREDRICKSON
- 12. 2020 Cambridge Street Reconstruction & Water Main; Contract No. 05. FREDRICKSON
- 13. * Central Park Pickleball and Tennis Court project contract award. MURPHY
- 14. * Grove Park renovation project contract award. MURPHY
- 15. * Design services for Landfill Cell 17. MURPHY
- 16. * Purchase of an articulated off-road dump truck for the Landfill (4/5 vote required). MURPHY
- 17. * Water Service Fittings Bid No. 4081. SCHWARZ

Setting a public hearing:

- 18. * Conditional Use Permit No. 67 - action to set a public hearing for the request of Benjamin Hayes to approve a Conditional Use Permit for a single family

residential use in an OS Office Service zoning district. The property is located at 2905 W Wackerly Street. MURSCHEL

19. * Conditional Use Permit No. 68 - action to set a public hearing for the request of Midland County Habitat of Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street. MURSCHEL

20. * CDBG Budget 2019-2020 - Action to set public hearing to approve of the proposed budget for fiscal year 2020-2021 for the Community Development Block Grant program. MURSCHEL

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line:	837-3400
City of Midland website address:	www.cityofmidlandmi.gov
City of Midland email address:	cityhall@midland-mi.org
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

Item Attachment Documents:

1. * Approve minutes of the February 24 special City Council meeting.
ARMSTRONG

February 24, 2020

A special meeting of the City Council was held on February 24, 2020, at 6:00 p.m. at City Hall, in the Council Chambers in City Hall. Mayor Donker presided.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall,
Marty Wazbinski

Councilmen absent: None

POLICE CHIEF SWEARING-IN CEREMONY

The swearing-in ceremony for Midland Police Chief Nicole Ford was conducted.

Being no further business the meeting adjourned at 6:21 p.m.

Erica Armstrong, City Clerk

Item Attachment Documents:

2. * Approve minutes of the February 24 regular City Council meeting.
ARMSTRONG

February 24, 2020

A regular meeting of the City Council was held on Monday, February 24, 2020, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall,
Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the February 10, 2020 regular meeting was offered by Councilman Hall and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

ZONING PETITION NO. 628

Director of Planning and Community Development Grant Murschel presented information on Zoning Petition No. 628 – rezoning property at 3115 Isabella Street from RB Multi-Family Residential to RA-1 Single Family Residential. The public hearing opened at 7:19 p.m. Janine Ouderkirk, Executive Director of Shelterhouse spoke in support of the petition. The hearing closed at 7:20 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, a public hearing was held by the City Council on Monday, February 24, 2020 for property located at 3115 Isabella Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from RB Multiple Family Residential to RA-1 Single Family Residential; and

WHEREAS, the applicant has offered a condition that final effect of the proposed rezoning be delayed until the closing date of the sale of the subject property between the applicant (buyer) and the current property owner (seller); and

WHEREAS, conceptual approval can be given at this time with final approval and effect required after the property closing date; now therefore

RESOLVED, that the City Council gives conceptual approval to Zoning Petition No. 628 the request of Shannon Romanik to rezone property located at 3115 Isabella Street from RB Multiple Family Residential to RA-1 Single Family Residential; and

RESOLVED FURTHER, that City staff is hereby directed to return to City Council after the property closing date with a resolution to give final effect to the zoning amendment. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

FINANCIAL REPORT DECEMBER 31, 2019

Assistant City Manager David Keenan presented City Council with the financial report for the six-month period ending December 31, 2019. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

RESOLVED, that the financial information of the City of Midland, for the six-month period ended December 31, 2019, is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination. (Motion ADOPTED.)

2020 SIDEWALK IMPROVEMENT PROGRAM

City Engineer Josh Fredrickson presented information on the 2020 Sidewalk Improvement Program. Susan Knapp spoke in favor of the sidewalk petition for W. Main Street sidewalk.

Councilman Wazbinski moved, seconded by Councilman Brown Wilhelm, the original resolution as presented. Following discussion, Councilman Wazbinski moved, seconded by Councilman Brown Wilhelm, to amend the resolution by removing N. Jefferson Ave., and adding two sections on Waldo Ave. (Motion ADOPTED.) The following amended resolution was then voted on:

WHEREAS, the City Council has had under consideration the construction of concrete sidewalks, to be financed in part by special assessment, located in certain streets in the City of Midland, said streets being:

Joe Mann Boulevard (North side)	fronting 850 Joe Mann Boulevard
W. Main Street (West side)	from W. Sugnet Road to 0.24 miles north
Waldo Avenue (East side)	from the north line of 2500 Waldo Avenue to the south line of 2808 Waldo Avenue
Waldo Avenue (East side)	from Ashman Street to 425 feet south

; now therefore

RESOLVED, that the City Manager is directed to prepare a report which shall include estimates of the expense thereof, an estimate of the life of the improvement, and a description of the district benefited to enable the Council to decide the cost, extent and necessity of the improvement proposed and what part or portion thereof should be paid by special assessments upon property especially benefited, and what part, if any, should be paid by the City at large, in conformance with the provisions of Chapter 20 of the Code of Ordinances of the City of Midland, Michigan. (Motion ADOPTED.)

CURRIE CONCERT APPROVAL

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

RESOLVED, that the request from John Engler, Youth Director at First United Methodist Church, seeking permission to conduct their annual Currie Concert on Sunday, May 31, 2020, utilizing the public right-of-way and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is John Engler, 989-835-6797.
- Provide special event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and the event specified on the certificate. The certificate must be submitted to the City Engineer's Office no less than one week prior to the event. You may fax it to 989-837-5708.
- The City stage has already been reserved for this event.
- If food trucks are used, the traffic circle will need to be closed so they can they set up along the Farmers Market Circle as they do for Tunes by the Tridge. Food trucks will not be allowed to park on the grass.
- For traffic circle closure, organizer will need to contact the Engineering Department at 989-837-3348 three weeks prior to the event to write a Traffic Control Order for this closure. The Department of Public Services will provide barricades per Engineering's TCO.
- Contact Fire Marshal Tony Lelo at 989-837-3413 regarding food trucks and any tent larger than 200 square feet.
- **No markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on surrounding sidewalks or trail head plaza.
- Authorization is for City property only. If property other than City property is used, the event organizer is responsible for securing their authorization.
- Contact City Department of Parks and Recreation at 989-837-6930 three weeks prior to the event to discuss electrical availability.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner. (Motion ADOPTED.)

WASTEWATER TREATMENT PLANT MAIN PUMP HOUSE #3 PUMP REPLACEMENT

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, the City's sanitary sewer collects wastewater from residential, commercial, and industrial facilities, and ultimately flows to the Wastewater Treatment Plant (WWTP) grit and screenings building (headworks of the plant); and

WHEREAS, City Council approved issuance of a purchase orders to Kennedy Industries of Wixom, Michigan for the replacement of two of the four Main Pump House pumps in 2016; and

WHEREAS, installation of identical pumps allows us to stock one type of repair parts and assists staff in the familiarity of the equipment as they will be installing and maintaining it; and

WHEREAS, funding has been budgeted for this purpose in the 2019/20 Wastewater Enterprise Fund - Capital Budget; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and that a purchase order in the amount of \$110,000.00 be made to Kennedy Industries for the purchase of one 16 x 16 x 20 NSY Xylem Allis Chalmers centrifugal pump. (Motion ADOPTED.)

DPS CRUSHED LIMESTONE PURCHASE

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing 22A Crushed Limestone; and

WHEREAS, funds have been provided in the Local and Major Street Fund and Park maintenance activities budgets; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Specification Stone Products of Kawkawlin, Michigan for delivering 22A Crushed Limestone at a cost of \$17.33 per ton in accordance with the proposal and City specifications. (Motion ADOPTED.)

DPS CONCRETE PURCHASE

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for concrete and related supplies; and

WHEREAS, funds have been provided in the Local and Major Street Fund budgets; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Elmer's Crane and Dozer, Inc. of Traverse City, Michigan for furnishing concrete and related supplies at the unit prices contained in their response to Bid No. 4062 in accordance with the proposal and City specifications. (Motion ADOPTED.)

SET PUBLIC HEARING TO AMEND THE FY 2019-20 MAJOR STREET FUND BUDGET

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, scope changes to the Cambridge Street Water main project will be an open trench excavating resulting in the removal and replacement of the paved roadway surface; and

WHEREAS, funding is not included in the 2019-20 budget for the street portion of Cambridge Street; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, March 16, 2020, in the Council Chambers of City Hall on the proposal to amend the 2019-20 Major Street Fund budget to add expenditures in the amount of \$220,000 for the Cambridge Street reconstruction project and direct the City Clerk to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.) The following The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, construction costs have been obtained for the proposed Eastman Avenue construction project which adds a southbound through lane, a southbound turn lane and makes pavement improvements between Airport Road and Joe Mann Boulevard; and

WHEREAS, funding for the Eastman Avenue construction project is in the 2019-20 fiscal budget and is insufficient for construction cost; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, March 16, 2020, in the Council Chambers of City Hall on the proposal to amend the 2019-20 Major Street Fund budget to increase expenditures by \$450,000 for the 2020 Eastman Avenue project and direct the City Clerk to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

SET PUBLIC HEARING FOR MIDLAND DAILY NEWS BUILDING REDEVELOPMENT

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, Public Act 381 of 1996 (the "Act") provides that local units of government may create a brownfield redevelopment authority to facilitate the revitalization, redevelopment, and reuse of certain property that is environmentally distressed through blight, contamination, or functional obsolescence; and

WHEREAS, the City of Midland has received a request to approve a Brownfield Redevelopment Plan for the property commonly known as the Midland Daily News Building, a functionally obsolete building that has been preliminarily tested and found to have contamination levels sufficient to qualify it as a contaminated facility; and

WHEREAS, the Brownfield Redevelopment Financing Authority Board met on January 31, 2020 for the purpose of reviewing the request from Sahasa Realty Corp. for approval of the Midland Daily News Building Redevelopment Project Brownfield Plan (the "Plan"), and voted unanimously to recommend that City Council approve said Plan; and

WHEREAS, the Plan is contingent upon tax increment financing (TIF) on the properties to include capture of all millages as allowed by the Act, which also requires that the BRFA and Downtown Development Authority (DDA) enter into an interlocal agreement whereby the DDA agrees to forgo its typical capture on said properties to the BRFA until such time all eligible expenses are fully reimbursed; and

WHEREAS, the DDA met on February 5, 2020 and approved the entering into an interlocal agreement between the DDA and the BRFA, by a unanimous vote; and

WHEREAS, pursuant to the Act, City Council is required to hold a public hearing on the approval of a proposed Brownfield Redevelopment Plan and to publish notice of said public hearing to be published in a newspaper of general circulation in the City of Midland, all in accord with Section 4(2) of the Act; now therefore

RESOLVED, that:

1. The City Council hereby determines that it is in the best interests of the public to promote the redevelopment of environmentally distressed and functionally obsolete areas of the City of Midland, and in order to do so, to facilitate the implementation of brownfield plans relating to the designation and treatment of such areas within the City.

2. The City Council hereby declares its intention to implement a Brownfield Redevelopment Plan within the City of Midland, pursuant to and in accord with the provisions of the Act.
3. A public hearing shall be held before the City Council on Monday, March 16, 2020, at 7:00 p.m., in the Midland City Hall Council Chambers on the proposed approval of the Midland Daily News Building Redevelopment Project Brownfield Plan.
4. In accord with the provisions of Act 381, the City Clerk shall give notice of the public hearing to each of the taxing jurisdictions that levy taxes on property included in the project subject to capture under Act 381.
5. The City Clerk shall give notice to the public of the public hearing by causing notice to be published in the form attached hereto as Exhibit A, in the Midland Daily News, a newspaper of general circulation in the City of Midland and by posting a notice of public hearing, in the form attached hereto as Exhibit B, pursuant to the practice of the City Clerk. (Motion ADOPTED.)

ZONING PETITION NO. 629

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, February 11, 2020 for property located at 2100 Bay City Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from RC Regional Commercial to IA Industrial A; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, March 23, 2020 at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before March 6, 2020 and to publish said notice on March 7, 2020.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE AN IA INDUSTRIAL A ZONING DISTRICT, WHERE A RC REGIONAL COMMERCIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

A PARCEL OF LAND SITUATED IN THE CITY OF MIDLAND, MORE PARTICULARLY DESCRIBED AS COM 198 FT E OF NW COR OF NE 1/4 OF SW 1/4 SEC 23, E 99 FT, S 445.5 FT, W 99 FT, N 445.5 FT TO POB

Be, and the same is hereby changed to IA Industrial A zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

NEW BUSINESS

Councilman Wazbinski and Councilman Arnosky stated their willingness to interview candidates for the Zoning Board of Appeals.

Being no further business the meeting adjourned at 8:16 p.m.

Erica Armstrong, City Clerk

Item Attachment Documents:

3. * Approve minutes of the March 4 special City Council meeting. BRANSON

March 4, 2020

A special meeting of the City Council was held Wednesday, March 4, 2020, at 6:30 p.m. at the Currie Golf Course Clubhouse. Mayor Donker presided.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall,
Marty Wazbinski

Councilmen absent: None

CITIZENS ACADEMY

City Council held a discussion with the participants of the 2020 Citizens Academy.

Being no further business the meeting adjourned at 8:28 p.m.

James O. Branson III, Deputy City Clerk

Item Attachment Documents:

4. * Approve minutes of the March 11 special City Council meeting. BRANSON

March 11, 2020

A special meeting of the City Council was held Wednesday, March 11, 2020, at 6:30 p.m. in the Council Chambers in City Hall. Mayor Donker presided.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall,
Marty Wazbinski

Councilmen absent: None

CITIZENS ACADEMY GRADUATION

City Council held a special graduation session with the participants of the 2020 Citizens Academy.

Being no further business the meeting adjourned at 7:40 p.m.

James O. Branson III, Deputy City Clerk

Item Attachment Documents:

5. March for Meals Month March 2020. GUYER

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Proclamation of March for Meals Month by Senior Services of Midland County

INITIATED BY: Community Affairs

RESOLUTION

SUMMARY: This resolution authorizes the Mayor to issue a proclamation proclaiming March 2020 as March for Meals Month in the city of Midland and urging every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve and the volunteers who care for them.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Proclamation

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Katie Guyer
City of Midland Community Affairs



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Senior Services of Midland County has been an integral part in supporting the health, wellbeing, and overall quality of life for senior citizens in our community for many years. One of the programs it facilitates, Meals on Wheels, seeks to address the issues of isolation and hunger in the senior population by providing both nutritious home-delivered meals and friendly company to deliver it.

During the month of March, Senior Services will be celebrating National Nutrition Month by offering special fitness and nutrition challenges, events to learn more about how to volunteer as a Meals on Wheels driver, and a chance for the community to help support the meals provided. Local celebrities and other prominent figures will also help deliver meals during Community Champions Week, March 16-20, and will advocate for older adults in Midland County to raise awareness for the power of Meals on Wheels.

March for Meals Month commemorates the historic day in March 1972 when President Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for adults 60 years and older. Since 2002, Meals on Wheels programs from across the country have joined forces for the annual awareness campaign to celebrate this successful public-private partnership and garner the support needed to fill the gap between the older adults served and those still in need.

Attached is a resolution authorizing the Mayor to issue a proclamation proclaiming March 2020 as March for Meals Month in the city of Midland and urging every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve and the volunteers who care for them.

Sincerely,
Katie Guyer

Katie Guyer
Community Affairs



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BY COUNCILMAN

RESOLVED, that the Mayor is authorized to issue the attached Proclamation proclaiming March 2020 as March for Meals Month in the city of Midland and urging every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve, and the volunteers who care for them.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

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City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

PROCLAMATION

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2020 observance of March for Meals celebrates providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about hunger and isolation in older adults; and

WHEREAS, volunteers for the Meals on Wheels program offered through Senior Services in Midland County are the backbone of the program and they not only deliver nutritious meals to older adults who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, the Meals on Wheels program in Midland County provide nutritious meals to older adults throughout the county of Midland that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

WHEREAS, the Meals on Wheels program in Midland County provide a powerful socialization opportunity for hundreds of older adults to help combat the negative health effects and economic consequences of loneliness and isolation; now

THEREFORE, we, the Mayor and City Council of the City of Midland, Michigan, do hereby proclaim March 2020 as

March for Meals Month

in the city of Midland and urge every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve, and the volunteers who care for them.

*Issued by Council Authorization
Given Monday, March 16, 2020*

Maureen Donker, Mayor

Attest:

Selina Tisdale, Deputy City Clerk

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Proclamation of March for Meals Month by Senior Services of Midland County

INITIATED BY: Community Affairs

RESOLUTION

SUMMARY: This resolution authorizes the Mayor to issue a proclamation proclaiming March 2020 as March for Meals Month in the city of Midland and urging every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve and the volunteers who care for them.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Proclamation

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Katie Guyer
City of Midland Community Affairs



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March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Senior Services of Midland County has been an integral part in supporting the health, wellbeing, and overall quality of life for senior citizens in our community for many years. One of the programs it facilitates, Meals on Wheels, seeks to address the issues of isolation and hunger in the senior population by providing both nutritious home-delivered meals and friendly company to deliver it.

During the month of March, Senior Services will be celebrating National Nutrition Month by offering special fitness and nutrition challenges, events to learn more about how to volunteer as a Meals on Wheels driver, and a chance for the community to help support the meals provided. Local celebrities and other prominent figures will also help deliver meals during Community Champions Week, March 16-20, and will advocate for older adults in Midland County to raise awareness for the power of Meals on Wheels.

March for Meals Month commemorates the historic day in March 1972 when President Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for adults 60 years and older. Since 2002, Meals on Wheels programs from across the country have joined forces for the annual awareness campaign to celebrate this successful public-private partnership and garner the support needed to fill the gap between the older adults served and those still in need.

Attached is a resolution authorizing the Mayor to issue a proclamation proclaiming March 2020 as March for Meals Month in the city of Midland and urging every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve and the volunteers who care for them.

Sincerely,
Katie Guyer

Katie Guyer
Community Affairs



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BY COUNCILMAN

RESOLVED, that the Mayor is authorized to issue the attached Proclamation proclaiming March 2020 as March for Meals Month in the city of Midland and urging every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve, and the volunteers who care for them.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

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PROCLAMATION

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2020 observance of March for Meals celebrates providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about hunger and isolation in older adults; and

WHEREAS, volunteers for the Meals on Wheels program offered through Senior Services in Midland County are the backbone of the program and they not only deliver nutritious meals to older adults who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, the Meals on Wheels program in Midland County provide nutritious meals to older adults throughout the county of Midland that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

WHEREAS, the Meals on Wheels program in Midland County provide a powerful socialization opportunity for hundreds of older adults to help combat the negative health effects and economic consequences of loneliness and isolation; now

THEREFORE, we, the Mayor and City Council of the City of Midland, Michigan, do hereby proclaim March 2020 as

March for Meals Month

in the city of Midland and urge every citizen to take this month to honor our Meals on Wheels programs, the older adults they serve, and the volunteers who care for them.

*Issued by Council Authorization
Given Monday, March 16, 2020*

Maureen Donker, Mayor

Attest:

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

6. Public Hearing to amend the 2019/20 Major Street Fund budget (also see material sent in the February 24 agenda packet) FREDRICKSON
 - a. Increase expenditures for construction costs related to the 2020 Eastman Avenue Reconstruction project
 - b. Add expenditure for 2020 Cambridge Street reconstruction project

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 11, 2020

SUBJECT: Amending the 2019-20 Major Street Fund Budget to fund construction costs related to the 2020 Eastman Avenue Construction and 2020 Cambridge Street reconstruction projects.

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: Two resolutions support construction on Eastman Avenue and Cambridge Street by amending the Major Street Fund budget.

- a. This resolution amends the 2019-20 Major Street Fund budget to increase expenditures by \$450,000 to provide sufficient appropriations to fund the 2020 Eastman Avenue construction project.
- b. This resolution amends the 2019-20 Major Street Fund budget to increase expenditures by \$220,000 to provide sufficient appropriations to add the Cambridge Street project to the construction project.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolutions
3. Location Maps

COUNCIL ACTION:

1. Public hearing required
2. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Two Major Street projects require additional funding for completion. One amendment is for a project on Eastman Avenue and the other, an amendment for a project on Cambridge Street. The amendment on Eastman Avenue is related to higher than anticipated construction costs. The Cambridge Street amendment is related to a change in construction method. These budget amendments were also included on the January 27 and February 10, 2020 agendas of City Council. Due to an error in the resolution, the public hearing was not held on February 10.

Eastman Avenue

Eastman Avenue traffic congestion has been a community concern for several years. In 2005, the City of Midland commissioned DLZ, Michigan (DLZ) to perform a study of traffic conditions along the Eastman Avenue corridor generally between Wackerly Street and Joe Mann Boulevard and derive potential solutions. Three alternatives were developed at the time, each in excess of 10 million dollars. In addition, an open public process using the public relations firm of Kezziah-Watkins was utilized for community input.

A public process called the Eastman Avenue Design Series (EADS) was implemented after the results of the initial public process indicated that the community desired a lower cost improvement. An interim preferred alternative was selected to move forward in 2006 and design of the interim option began in 2007. In 2008 the project was put on hold due to poor economic conditions.

In 2017, DLZ was contracted to re-evaluate and update the Eastman Avenue interim alternatives study completed in 2006. This update was done using updated traffic volumes. The update indicated that traffic volumes had not increased at the rate projected in 2006. The findings of the updated 2017 study indicated that based on the current traffic volumes, the interim preferred alternative chosen in 2006 remains a valid solution to help reduce traffic congestion along this section of Eastman Avenue. Results of the 2017 update were presented at the March 27, 2017 regular meeting of City Council.

Rowe Professional Services Company (Rowe) was hired in 2018 to develop construction plans and specifications for bidding purposes. In May 2019, construction bids were received and reviewed by the City. Funding for the project was insufficient based on bids received and the project was not awarded at that time for construction. Subsequent to the first bid we reviewed the plans and specification. Modifications were made to the schedule and specifications to provide cost savings to the project while maintaining the core of the original scope. The project was bid

for a second time in January 2020. The second bid resulted in a reduction from the May 2019 bid of nearly \$350,000, although an improvement from the first bid cycle, the results of the 2020 bid opening remain that project funding is currently insufficient for construction.

The scope of the project includes the preferred alternative solution presented by DLZ from 2006 which is the construction of a dedicated right turn lane for southbound Eastman Avenue at Airport Road. An additional southbound through lane will also be added for a segment north of Airport Road. Eastman Avenue is also to be resurfaced from Wackerly Street to Joe Mann Boulevard.

Beginning in the 2016-17 budget, funds have been allocated to towards the development of this Eastman Avenue project. Funding currently allocated in the budget to Eastman Avenue is \$1,100,000. Based on anticipated expenditures for engineering, inspection and construction an additional \$450,000 is needed to complete the project.

Cambridge Street

A 36-inch water transmission main is located under Cambridge Street. Within the past couple of years, pipe issues have become apparent which have resulted in ongoing leaks and needed repairs. The leaks have been temporarily addressed, but a permanent replacement of the pipe is needed. Working with the City Water Department, a solution was identified and funding allocated for a permanent repair.

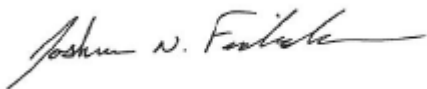
Funding to replace the pipe was included in the 2019-20 budget. At the time of the initial budget, the intent of the project was to place a smaller diameter pipe through the existing 36-inch pipe. By placing a smaller diameter pipe through the 36-inch pipe, roadwork was not required and street funding was not included with the water main replacement project.

Due to several factors including the geometry of the existing pipe, it was determined the construction method presented to much risk to the City and needed to be revised. After review of several options, it was determined a traditional open trench method would be most cost effective for pipe installation. Replacing the water main using the open trench method will result in removal and replacement of one lane of the roadway. Based on the condition of the road and replacement of one lane of the paved surface, it is reasonable to include the second lane of roadway for resurfacing. Based on anticipated expenditures for engineering, inspection and construction the cost estimate of the street portion of the project is \$220,000. Water main replacement funding in the amount of \$750,000 was included in the 2019-20 budget for the water main replacement. The funding amount for the water main replacement is anticipated to be sufficient for the pipe replacement using an open cut method.

Summary

Two resolutions are included for consideration to amend the fiscal year 2019-20 Major Street Fund budget to increase expenses. The resolution for the Eastman Avenue project will increase the project budget amount by \$450,000.00. The resolution for the Cambridge Street project will add \$220,000.00 to the project budget in order to include street reconstruction along with the water main replacement project. Funding for both proposed budget amendments come from existing fund balance.

Respectfully submitted,



Joshua N. Fredrickson
City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, in accord with Sections 5.11 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice and having conducted a public hearing on Monday, March 16, 2020 on the proposal to amend the 2019-20 Major Street Fund budget to increase expenditures by \$450,000.00; and

WHEREAS, construction costs have been obtained for the proposed Eastman Avenue construction project which adds a southbound through lane, a southbound turn lane and makes pavement improvements between Airport Road and Joe Mann Boulevard; and

WHEREAS, funding for the Eastman Avenue construction project is in the 2019-20 fiscal budget and is insufficient for construction cost; now therefore

RESOLVED, that the 2019-20 Major Street Fund is hereby amended to increase expenditures by \$450,000.00 for the Eastman Avenue construction project.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, in accord with Sections 5.11 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice and having conducted a public hearing on Monday, March 16, 2020 on the proposal to amend the 2019-20 Major Street Fund budget to increase expenditures by \$220,000.00; and

WHEREAS, scope changes to the Cambridge Street Water main project will be an open trench excavating resulting in the removal and replacement of the paved roadway surface; and

WHEREAS, funding is not included in the 2019-20 budget for the street portion of Cambridge Street; now therefore

RESOLVED, that the 2019-20 Major Street Fund is hereby amended to increase expenditures by \$220,000.00 for the Cambridge Street project.

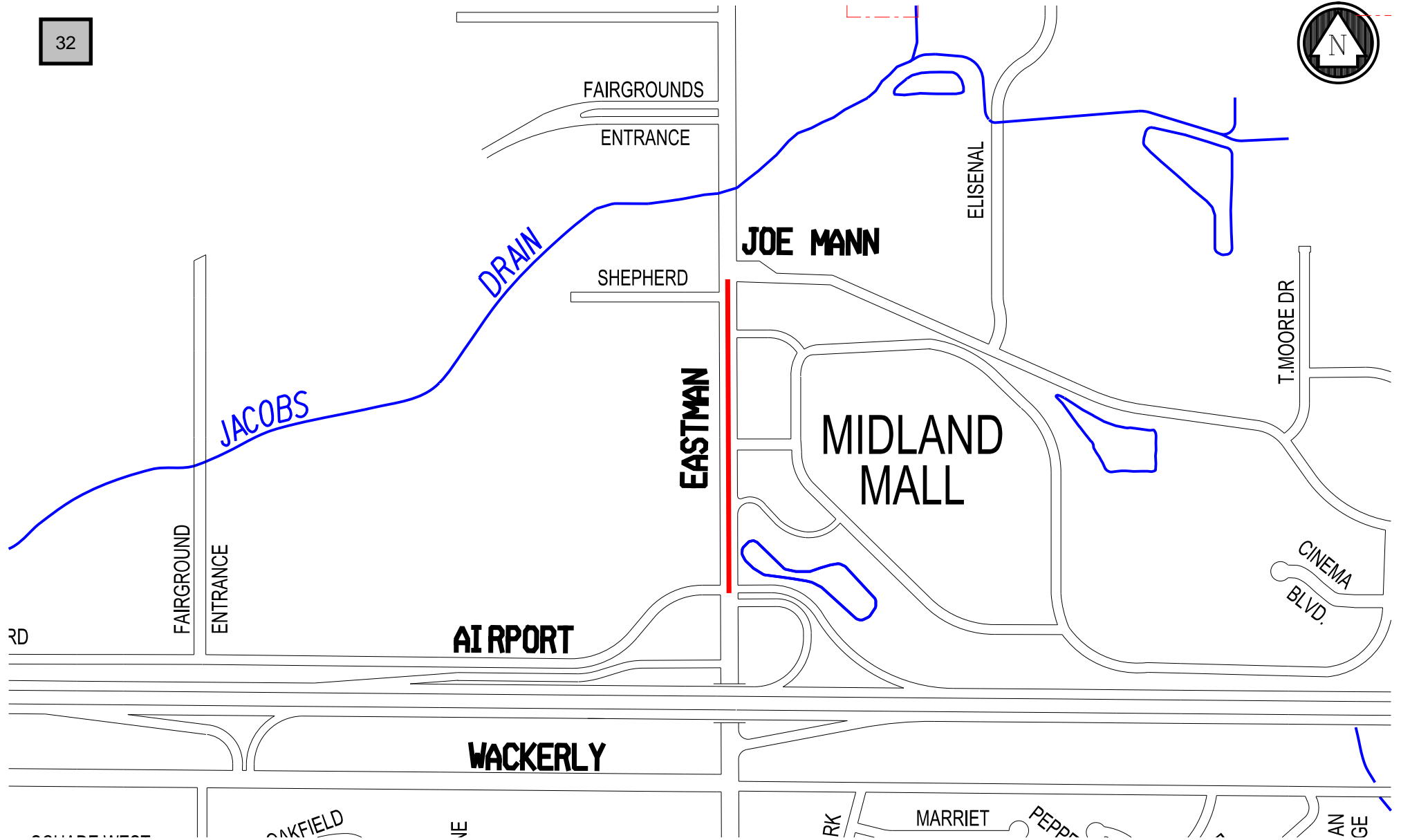
YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk



EASTMAN AVENUE RECONSTRUCTION

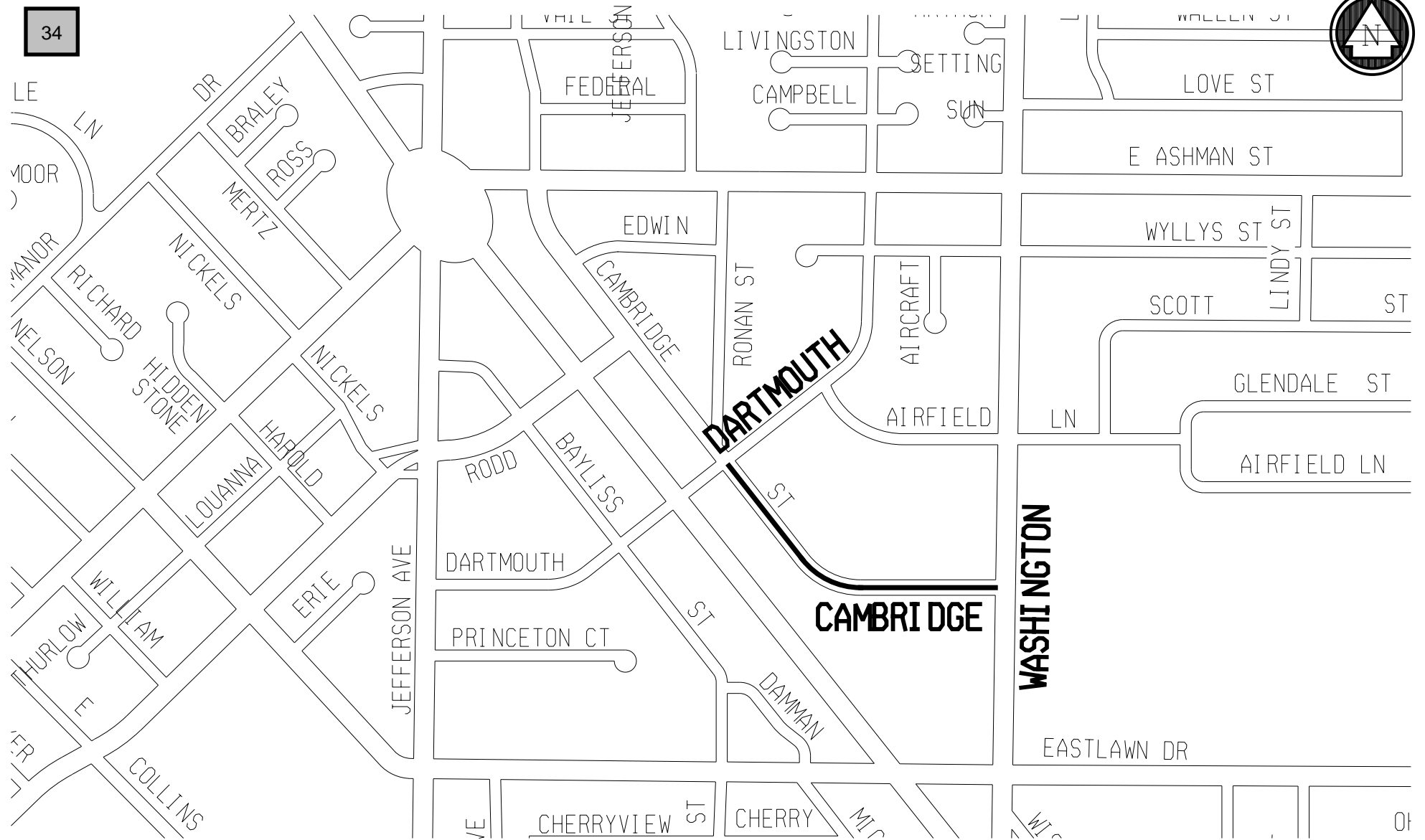
AIRPORT TO JOE MANN

AIRPORT

EASTMAN

US-10
RAMP

EASTMAN AVE RECONSTRUCTION



CAMBRIDGE ST. RECONSTRUCTION

WASHINGTON TO DARTMOUTH

Item Attachment Documents:

7. Public hearing to approve the Midland Daily News Building Redevelopment Project Brownfield Project (also see material sent in the February 24 agenda packet). KEENAN

SUMMARY REPORT TO MANAGER
For City Council Meeting of March 16, 2020

SUBJECT: The Midland Daily News Building Redevelopment Project
Brownfield Plan

INITIATED BY: David A. Keenan, Assistant City Manager

RESOLUTION

SUMMARY: This resolution approves the Midland Daily News Building Redevelopment Project Brownfield Plan and authorizes the execution of the associated reimbursement agreement with Sahasa Realty Corp.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Brownfield Redevelopment Financing Authority minutes – 1/31/2020
3. Downtown Development Authority minutes – 2/5/2020
4. Midland Daily News Property Redevelopment Project Brownfield Plan
5. Resolution

CITY COUNCIL ACTION:

1. Hold the required public hearing
2. 3/5 affirmative vote required to approve resolution



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov*

March 11, 2020

C. Bradley Kaye, AICP, CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The Brownfield Redevelopment Financing Act, or Act 381 of 1996, is intended to provide local units of government a tool to incentivize developers to redevelop, revitalize, or reuse properties that are economically disadvantaged by blight, contamination, obsolescence, and other factors. It allows a local unit to offer financial incentives to developers to revitalize existing properties, essentially leveling the playing field with developing in green space.

A request has been received from Sahasa Realty Corp. to consider approval of a Brownfield Redevelopment Plan (see attached Brownfield Plan / Midland Daily News Building Redevelopment Project Brownfield Plan – the “Plan”). The Plan involves demolishing the existing 18,492 square foot building and constructing eleven two-story Brownstone townhome rental properties facing Ann Street, and a four-story 14,500 square foot apartment building with 14 units facing McDonald Street. Associated parking will be located within and adjacent to proposed structures. The cost of the investment is \$7.2 million, and the specific parcels associated with the project are 124 and 128 McDonald Street, and 100 Ashman Street.

Preliminary testing has found contamination on the property at levels that should qualify it as a Brownfield site. Sahasa Realty Corp. is seeking approval of Tax Increment Financing (TIF) support to reimburse them for costs deemed to be eligible in accordance with the Plan. The Plan provides for up to \$1,901,290 in reimbursable costs, plus 5% interest on unreimbursed costs. The estimated payback period is 24 years.

A few important considerations of this plan include:

- The Plan has yet to be submitted to the State for its approval. Local support is first required. The State will perform due diligence on the Plan, and should the Plan receive State approval, only those costs deemed reimbursable by the State will be reimbursable by the local units.
- Only actual eligible expenses will be reimbursed.
- The maximum amount of eligible expenses allowed by the plan is \$1,901,290 plus interest.

March 11, 2020
C. Bradley Kaye, AICP, CFM
Page 2

- The maximum reimbursement period is 30 years. The expected reimbursement period, assuming worst-case eligible expenses is 24 years.
- After completion of the reimbursement and capture period, the properties will become regular Downtown Development Authority (DDA) TIF property.

The Midland Brownfield Redevelopment Financing Authority (BRFA) met on Friday, January 31, 2020, to review the Plan. The Board approved, on a 5-0 vote, to recommend that City Council approved the Midland Daily News Building Redevelopment Project Brownfield Plan, as well as entering into a Reimbursement Agreement for eligible costs.

TIF districts operate on a first-come, first-serve basis. Because the DDA already has a TIF plan in place, it holds priority over a potential Brownfield TIF district. In order for this project to be financially feasible, the entire amount of TIF capture for these properties must be made available for the reimbursement of eligible costs. This requires that the DDA agree to forgo their share of TIF capture on these properties until all eligible costs are reimbursed. At its February 5, 2020 board meeting, the DDA Board approved entering into an interlocal agreement with the BRFA which would allow this to happen.

As part of this agenda package, the minutes from the January 31, 2020 BRFA Board meeting and the minutes from the February 5, 2020 DDA Board meeting are provided.

A public hearing is required by law. At its February 24, 2020 meeting, City Council approved a resolution to set March 16, 2020 as the date to hold a public hearing on this Brownfield Plan, and directed staff to provide sufficient notice in accordance with Public Act 381 of 1996.

The accompanying resolution for Council's consideration would approve the Midland Daily News Building Redevelopment Project Brownfield Plan, and authorize the execution of the related reimbursement agreement with Sahasa Realty Corp.

Sincerely,

David A. Keenan, CPA
Assistant City Manager

**MIDLAND BROWNFIELD REDEVELOPMENT FINANCING AUTHORITY
(Draft) Minutes – January 31, 2020**

A special meeting of the Midland Brownfield Redevelopment Financing Authority was held on Friday, January 31, 2020 at 9:00 AM in Council Chambers of Midland City Hall.

The meeting was called to order by Secretary David Keenan at 9:02 AM

Members present: John Bartos, Rebecca Cox, Bryan Kriz, Meleah Retzloff, and Jeneé Velasquez

Members absent: None

Others present: David A. Keenan, Midland Assistant City Manager; Selina Tisdale, Midland Community Affairs Director; Grant Murschel, Midland Planning Director; Tony Stamas, Midland Business Alliance; Peter Shaheen, Sahasa Realty Corp.; Eric Tankersly and Alistair Warr, Shaheen Development; Kirstie Hardy, AKT Peerless

MINUTES

There were no prior meeting minutes to come before the Board for consideration.

Mr. Keenan provided the Board with a brief overview of the Brownfield Redevelopment Financing Authority and the mechanics behind tax increment financing (TIF).

SWEARING IN OF THE BOARD MEMBERS

Selina Tisdale, Deputy Clerk for the City of Midland performed a swearing in of all board members.

SELECTION OF BRFA CHAIRPERSON AND VICE-CHAIRPERSON

After soliciting interest in the positions of chair and vice-chair it was moved by Velasquez and seconded by Bartos to appoint Rebecca Cox to the position of BRFA Chairperson, the Motion was unanimously approved.

It was next moved by Velasquez and seconded by Bartos to appoint Bryan Kriz to the position of BRFA Vice-Chairperson. The motion was also unanimously approved.

THE MIDLAND DAILY NEWS BUILDING REDEVELOPMENT PROJECT

Kirstie Hardy of AKT Peerless and Alistair Warr of Shaheen Development presented the project to the Board. Highlights follow:

- The developer is Sahasa Realty Corp., a part of Shaheen Development who has a successful history of redevelopment projects in the region and in Midland.
- The subject property is the Midland Daily News Building and property located at 124 and 128 McDonald Street, and 100 Ashman Street.
- The building is obsolete and has been tested to show that contamination is present.
- Poor soil conditions, steep site topography, and the nearness of the flood plain will pose construction challenges.
- The proposed project will provide 11 mid-century modern brownstone townhome rentals and a four-story apartment building that includes 14 one bedroom and two bedroom units, and onsite parking.
- Total eligible costs will not exceed \$2,866,927 and will be reimbursed via Tax Increment Financing.
- The anticipated repayment period is 24 years, but will not exceed 30 years.

Selina Tisdale, Executive Director for the Downtown Development Authority presented comments relating to the proposed project and how it relates to plans and objectives that the DDA board has for the Downtown.

Grant Murschel, Midland Planning Director presented comments relating to the proposed project as it relates to the City's Master Plan, the housing study, and the need for housing diversity in the Downtown.

After a period of questions and discussion by the Board, a motion was made by Retzloff and seconded by Kriz to approve a resolution recommending to the Midland City Council approval of the Midland Daily News Building Redevelopment Project Brownfield Plan and directing the BRFA Chairperson to sign the related Reimbursement Agreement. The motion passed unanimously.

With there being no further business to come before the Authority, the meeting adjourned at 10:05 AM.

Respectfully submitted,

David A. Keenan
Assistant City Manager
Midland BRFA Secretary



DOWNTOWN DEVELOPMENT AUTHORITY

Board of Directors

Wednesday, February 5, 2020, 3:00 p.m.

Council Chambers, City Hall – Midland, MI

UNAPPROVED MINUTES

Call to Order: 3:00 p.m.

Attending: Bryan Jao, Brad Kaye, Dave Kell, Jim Malek, Paul Barbeau, Cathy Bott, Jon Lauderbach

Absent: Bobbie Arnold, Bo Brines, Marty McGuire, Bo Miller, Bob Rathbun, James Wright

Chairmen Kell called the meeting to order at 3:00 p.m.

The Downtown Development Authority (DDA) Board meeting minutes of September 11 and October 9, 2019 were presented. Lauderbach moved approval, seconded by Jao. Minutes were unanimously approved.

Community Affairs Director Selina Tisdale introduced Assistant City Manager David Keenan who reviewed the Brownfield Redevelopment tool and how it affects the DDA. Kirstie Hardy, AKT Peerless, and Al Waar, Sahasa Realty Corporation introduced a plan to redevelop the former Midland Daily News located at 124, 128 McDonald Street and 100 Ashman Street site into residential properties. After discussion on the proposal, the following resolution was presented:

WHEREAS, the Midland Downtown Development Authority (DDA) has been presented with a redevelopment plan by Sahasa Realty Corp. for the properties located at 124, 128 McDonald Street and 100 Ashman Street; and
WHEREAS, the developer is pursuing approval of a Brownfield Plan that provides for tax increment financing as a means to reimburse the developer for eligible costs; and
WHEREAS, these taxes are part of the DDA's current tax capture and the DDA must agree to forgo additional future tax capture on improvements to these parcels for a period of up to, but not to exceed, 30 years; now therefore
RESOLVED that the DDA hereby approves, in concept, the brownfield development agreement as presented and authorizes DDA Chair David Kell to sign the agreement document in its final form in consultation with the city attorney and assistant city manager.

The resolution was moved by Barbeau and seconded by Jao. The motion received unanimous support from those in attendance.

Tisdale introduced David Burr of Rich and Associates who reviewed the findings of the 2019 Downtown Parking Study. Britney Gwisdala, 5801 Swede Avenue, spoke regarding handicapped parking spaces on Main Street in downtown Midland. The study will be made available on the downtown website cityofmidland.gov/parkingstudy. Comments will be received over the next month. The DDA board will revisit the study's recommendations and begin prioritizing proposed projects at the March 11, 2020 meeting.

Tisdale introduced Dustin Neumeyer, founding partner of Aberro Creative who reviewed the new downtown branding effort and plans for a redeveloped downtown website. The new brand will be launched in June 2020.

Board member Lauderbach left the meeting at 4:55 p.m.

Committee Report:

Kell reported that the Communications Committee: Hot Cocoa crawl had more than 400 event cards returned; 500 participants took part in the Jingle Bell Run; 2020 calendar of events is being finalized.

Kell reported that the Executive Committee is working to finalize the strategic plan and plans to bring that forward at the 42 11 meeting.

Midland Downtown Business Association President Daniel Buzzell reported that the Meet your Merchants event is planned for March 14, 3.14 which is Pie Day and the event will center on that theme. Ace Hardware is now selling cops and donuts.

There were no public comments.

There was no new business.

Meeting adjourned at 3:45 p.m.

CITY OF MIDLAND
BROWNFIELD REDEVELOPMENT FINANCE AUTHORITY

BROWNFIELD PLAN

Midland Daily News Building Redevelopment Project
124 and 128 McDonald Street & 100 Ashman Street
Midland, Michigan

PREPARED BY

Sahasa Realty Corp.
1100 S Washington Ave
Suite 3
Saginaw, MI 48601
Contact Person: Peter Shaheen
Email: peter@shaheendevlopment.com
Phone: (989) 799-5700

AKT Peerless
214 Janes Avenue
Saginaw, Michigan 48607
Contact Person: Kirstie Hardy
Email: hardyk@aktpeerless.com
Phone: (248) 227-6579

PROJECT #

12461S2

REVISION DATE

January 30, 2020

BRFA APPROVAL
CITY APPROVAL

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ATTACHMENTS

Attachment A	Site Maps and Photographs
• Figure 1 – Scaled Property Location Map	
• Figure 2 – Eligible Property Boundary Map	
Attachment B	Legal Description
Attachment C	Project Plans
Attachment D	Tables
• Table 1 – Eligible Activities	
• Table 2 – Tax Increment Revenue Estimates	
• Table 3 – Reimbursement Allocation Schedule	

PROJECT SUMMARY

PROJECT NAME Midland Daily News (MDN) Building Redevelopment

DEVELOPER Sahasa Realty Corp.
1100 S Washington Ave
Suite 3
Saginaw, MI 48601
Contact: Peter Shaheen
(989) 799-5700

ELIGIBLE PROPERTY LOCATION Former Midland Daily News Building

Address	Tax Identification Number
124 McDonald Street	14-16-50-496
100 Ashman Street	14-16-50-486
128 McDonald Street	14-21-80-262

TYPE OF ELIGIBLE PROPERTY Facility and Adjacent & Contiguous

SUBJECT PROJECT DESCRIPTION The MDN Building Redevelopment Project (Project) consists of the redevelopment of the former Midland Daily News building. The Project will include the demolition of the existing structures, and new construction of eleven two-story walk-up Brownstone townhome rental properties facing Ann Street and a four-story apartment building with 14 units facing McDonald Street. Associated parking will be located within and adjacent to proposed structures. This Project will ultimately put the vacant property back to productive use and will improve the downtown area of Midland by increasing residential density, which will in turn help support the downtown business community.

In addition to the economic benefits of this development to the City of Midland, environmental activities are anticipated that would provide a safer and healthier downtown to the public and environment alike.

The Project is seeking approval of Tax Increment Financing (TIF). Redevelopment is expected to begin in fall of 2020.

ELIGIBLE ACTIVITIES	Department Specific Activities, Demolition, Lead and Asbestos Survey and Abatement, Site Preparation, Infrastructure Improvements, and Preparation & Implementation of a Brownfield Plan and Act 381 Work Plan.
DEVELOPER'S REIMBURSABLE COSTS	\$ 1,901,290 (Est. Eligible Activities & Contingency) <u>\$ 965,637 (Interest)</u> \$ 2,866,927
MAXIMUM DURATION OF CAPTURE	30 years
ESTIMATED TOTAL CAPITAL INVESTMENT	\$7.207 million
INITIAL TAXABLE VALUE	\$246,723 (estimated; the taxable value of the Eligible Property for which the next equalization will be completed; i.e., tax year 2021)

LIST OF ACRONYMS AND DEFINITIONS

BEA	Baseline Environmental Assessment (Michigan process to provide new property owners and/or operators with exemptions from environmental liability)
BFP OR PLAN DEVELOPER	Brownfield Plan Sahasa Realty Corp.
EGLE	Michigan Department of Environment, Great Lakes & Energy
ELIGIBLE PROPERTY	Property for which eligible activities are identified under a Brownfield Plan, referred to herein as “the subject property”.
ESA	Environmental Site Assessment
LBRF	Local Brownfield Revolving Fund
BRFA	City of Midland Brownfield Redevelopment Finance Authority
PHASE I ESA	An environmental historical review and site inspection (no soil and/or groundwater sampling and analysis)
PHASE II ESA	Environmental subsurface investigation (includes soil, soil gas, and/or groundwater sampling and analysis)
RCC	Residential Cleanup Criteria
TIF	Tax Increment Financing (TIF describes the process of using TIR—i.e., TIF is the use of TIR to provide financial support to a project)
TIR	Tax Increment Revenue (new property tax revenue, usually due to redevelopment and improvement that is generated by a property after approval of a Brownfield Plan)

BROWNFIELD PLAN

124 and 128 McDonald Street and 100 Ashman Street, Midland, MI

1.0 Introduction

The City of Midland (the “City”), established the Midland Brownfield Redevelopment Finance Authority (the “Authority”) on July 8, 1999, pursuant to Michigan Public Act 381 of 1996, as amended (“Act 381”). The primary purpose of Act 381 is to encourage the redevelopment of eligible property by providing economic incentives through tax increment financing for certain eligible activities.

The main purpose of a Brownfield Plan is to promote the redevelopment of and investment in certain “Brownfield” properties within the City. Inclusion of subject property within Brownfield plans will facilitate financing of environmental response and other eligible activities at eligible properties and will also provide tax incentives to eligible taxpayers willing to invest in revitalization of eligible sites, commonly referred to as “Brownfields.” By facilitating redevelopment of Brownfield properties, Brownfield plans are intended to promote economic growth for the benefit of the residents of the City and all taxing units located within and benefited by the Authority.

The identification or designation of a developer or proposed use for the Eligible Property that is the subject of this Brownfield Plan (the “subject property”) shall not be integral to the effectiveness or validity of this Brownfield Plan. This Brownfield Plan is intended to apply to the subject property identified in this Brownfield Plan and, if tax increment revenues are proposed to be captured from that subject property, to identify and authorize the eligible activities to be funded by such tax increment revenues. Any change in the proposed developer or proposed use of the subject property shall not necessitate an amendment to this Brownfield Plan, affect the application of this Brownfield Plan to the subject property, or impair the rights available to the Authority under this Brownfield Plan.

This Brownfield Plan is intended to be a living document, which may be modified or amended in accordance with the requirements of Act 381, as necessary to achieve the purposes of Act 381. The applicable sections of Act 381 are noted throughout the Brownfield Plan for reference purposes.

This Brownfield Plan contains information required by Section 13(2) of Act 381.

The MDN Site Redevelopment (Project) consists of the redevelopment of the subject property by demolishing the existing 18,492 square foot building and constructing eleven two-story walk-up brownstone townhome rental properties facing Ann Street, and a 14,500 square foot, four-story apartment building with 14 units facing McDonald Street. All of the units are anticipated to be rented at market rate as is necessary to support the financing of the project. Associated parking will be located to the rear of the buildings, and potentially underneath the proposed structures. This Project will ultimately put the underutilized property back to productive use and will benefit the downtown area of Midland by increasing residential density on what is currently a vacant site.

In addition to the economic benefits of this development to the Midland and the surrounding downtown, environmental activities are anticipated that would provide a safer and healthier downtown to the public and environment alike.

The Project is seeking approval of Tax Increment Financing (TIF). Redevelopment is expected to begin in fall of 2020.

2.0 General Provisions

The following sections detail information required by Act 381.

2.1 Description of Eligible Property (Section 13 (h))

The Eligible Property (“subject property”) is located at, in the southwest ¼ of the southwest ¼ of Section 16 in Midland (T.14N. /R.02E.) and the northwest ¼ of the northwest ¼ of Section 21 in Midland (T.14N./R.02E.), Midland County, Michigan. The subject property is situated north of the intersection of McDonald Street and Ann Street. The subject property consists of three parcels that contain approximately 0.94 acres. The subject property is located in downtown Midland (“City”), an area that is characterized by commercial and residential properties. The Tittabawassee River lies approximately 400 feet to the south. The subject property is abutted by surface roadways and adjacent development. It is served by municipal water, sanitary, storm sewer, and electrical and gas utilities.

The following table describes the parcels which comprise the subject property. See Attachment A, Figure 1 Project Location, and Figure 2 Eligible Property Boundary Map.

Eligible Property Information

Address	Tax Identification Number	Basis of Brownfield Eligibility	Approximate Acreage
124 McDonald Street	14-16-50-496	Facility	0.695
100 Ashman Street	14-16-50-486	Facility	0.067
128 McDonald Street	14-21-80-262	Adjacent & Contiguous	0.182

The legal descriptions of the parcels included in the Eligible Property are as follows:

124 McDonald Street : LOTS 7,8, SW 5 FT OF LOT 1, SW 5 FT OF SE 40 FT OF LOT 2, LOTS 5 & 6 EXC NE 21 FT & EXC BEG AT W COR OF LOT 5, NE 46.6 FT, SE 62.65 FT, SW TO SW LN OF BLK 12 NW TO BEG, ALL IN BLK 12 ORIGINAL PLAT OF MIDLAND & 1/2 VAC ANN ST ADJ & NW 4FT OF MCDONALD ST ADJ, EXC BEG 10 FT NW OF INT OF CL OF VAC ANN ST & NW LNOF MCDONALD ST, SE 14 FT, NE 1.5 FT, NW TO BEG.

100 Ashman Street : BEG AT W COR OF LOT 5 BLK 12 ORIGINAL PLAT OF MIDLAND NE 46.6 FT, SE 62.65 FT, SW TO SW LN OF BLK 12 NW TO BEG, & 1/2 VAC ANN ST ADJ.

128 McDonald Street: SWLY 1/2 OF VAC ANN ST BETWEEN ASHMAN ST & MCDONALD

The subject property is zoned Downtown Overlay (D-O), and the proposed project fits the zoning for the area. It currently contains the former Midland Daily news building, a two-story, flat roof building with a concrete frame, concrete block and stucco exterior, concrete slab on grade foundation and a basement.

Attachment A includes site maps of the Eligible Property, refer to: Figure 1, Scaled Property Location Map and Figure 2, Eligible Property Boundary Map (which includes lot dimensions).

The parcel and all tangible real and personal property located thereon will comprise the Eligible Property, which is referred to herein as the “subject property.”

2.2 Basis of Eligibility (Section 13 (2)(h), Section 2 (p))

The subject property is considered “Eligible Property” as defined by Act 381, Section 2 because: (a) the subject property was previously utilized as a commercial property; (b) it is located within the City of Midland, a qualified local governmental unit, or “Core Community” under Act 381; (c) the parcels with addresses 124 McDonald Street and 100 Ashman Street have been determined to be a “facility;” and (d) the third parcel which comprises the Eligible Property, 128 McDonald Street, is adjacent and contiguous to a “facility” parcel.

The following table summarizes the general development and use of the subject property, as identified by AKT Peerless based on the referenced data sources:

Subject Property Historical Use Summary

Time Period	Improvements	Use	Owner / Occupant	Data Source(s)
1884-1893	Stables Outbuildings Retail store Laundry	Commercial	Unknown	Fire insurance maps
1899	Residence Stables	Residential	Unknown	Fire insurance maps
1909	Stables Residence Blacksmith shop Flour mill	Residential	Unknown Midland Milling Company	Fire insurance maps
1916	Stable Carpenter shop	Commercial	Unknown	Fire insurance maps
1926	Blacksmith shop Retail store County Road Commission garage and warehouse	Commercial	Unknown Midland County	Fire insurance maps
1927	Subject building	Brewery	Unknown	Municipal records Interviews
1931	Subject building	Publishing company	Chrissey Publishing Company Detroit Creamery Company	Fire insurance maps Municipal records
1935	Subject building Warehouses	Publishing company	Rich Publishing House Midland Brewing Company	Fire insurance maps City directories Municipal records

Time Period	Improvements	Use	Owner / Occupant	Data Source(s)
1943	Subject building Warehouses	Publishing company	Midland Daily News	Fire insurance maps City directories Municipal records
1950	Subject building Warehouses	Publishing company	Midland Daily News Consumer's Power Company	Fire insurance maps City directories Municipal records
1956	Subject building Warehouses Consumer's Power warehouse	Publishing company Storage	Midland Daily News Unknown Consumer's Power Company	Fire insurance maps City directories Municipal records
1957- Present	Subject building	Publishing company	Midland Daily News	Fire insurance maps City directories Municipal records Interviews Site reconnaissance

AKT Peerless completed a Phase I ESA of the subject property on November 2, 2017, on behalf of Sahasa Realty Corp. in conformance with the scope and limitations of American Society for Testing and Materials (ASTM) Standard Practice E 1527-13. At the time of AKT Peerless' site reconnaissance, the subject property was developed with the Midland Daily News, a newspaper production facility.

The following recognized environmental conditions (RECs) were identified:

REC 1 - The subject property operated as a newspaper printing facility since at least 1931 with unknown waste handling and disposal practices conducted before waste handling regulations were established. Operations have included the historical use of petroleum-based inks and printing machinery containing lubricants and oils. In AKT Peerless' opinion, historical printing operations using petroleum-based inks on the subject property represents a REC. Further, the possibility exists that petroleum-based oils and inks have impacted subsurface conditions of the subject property. Therefore, further investigation and/or assessment is warranted in order to evaluate the nature, extent, magnitude, and materiality of REC 1.

REC 2 - Historical use of the subject property included a blacksmith shop from 1909 to 1926, flour mill in 1909, truck garage in 1926, creamery in 1931, and as well as Consumer's Power shop and warehouse from 1950 to 1956 with unknown housekeeping, waste handling, and waste disposal practices. The historical use of hazardous materials on the subject property presents the possibility of a release of hazardous chemicals to the subsurface of the subject property. In AKT Peerless' opinion, historical light industrial operations on the subject property represents a REC. Therefore, further investigation and/or assessment is warranted in order to evaluate the nature, extent, magnitude, and materiality of REC 2.

REC 3 - The adjoining property to the northwest operated as a dry cleaner from the 1920s to the 1950s. The storage and use of hazardous solvents (i.e., perchloroethylene) and generation of associated hazardous wastes on the subject property represents the potential for a release of hazardous contaminants to the subsurface of the subject property. In AKT Peerless' opinion, historical use on the northwestern adjoining property as a dry cleaner represents a REC. Therefore, further investigation

and/or assessment is warranted in order to evaluate the nature, extent, magnitude, and materiality of REC 3.

To further evaluate the RECs identified in its November 2017 Phase I ESA, AKT Peerless conducted a subsurface investigation of the subject property. AKT Peerless: (1) drilled five soil borings and (2) collected 3 soil samples for laboratory analyses. AKT Peerless submitted three soil samples for laboratory analyses of select parameters.

The results of the laboratory analyses of the soil samples identified concentrations of benzo(a)pyrene, fluoranthene, naphthalene, and phenanthrene, within soil boring B-1 in excess of the MDEQ Groundwater Surface Water Interface Protection (GSIP) Criteria and/or Residential Direct Contact (DC). Mercury was identified in soil borings B-1 and B-3 in excess of GSIP Criteria. A concentration of carbon tetrachloride was detected within soil boring B-3 in excess of the MDEQ Residential Drinking Water Protection (DWP) Criteria and Residential Soil Volatilization to Indoor Air Inhalation (SVIAI) Criteria.

Based on laboratory analytical results, the parcels with addresses 124 McDonald Street and 100 Ashman Street meet the definition of a “facility,” as defined in Part 201.

2.3 Summary of Eligible Activities and Description of Costs (Section 13 (2)(a),(b))

The “eligible activities” that are intended to be carried out at the subject property are considered “eligible activities” as defined by Sec 2 of Act 381, because they include Department Specific Activities (Predevelopment Activities [Phase I ESA, Phase II ESAs and BEA], due care activities and additional response activities), lead and asbestos survey and abatement, demolition, site preparation, infrastructure improvements and the preparation and implementation of the Brownfield Plan and Act 381 Work Plan (see Table 1).

A summary of the eligible activities and the estimated cost of each eligible activity intended to be paid for with Tax Increment Revenues from the subject property are shown in the table below.

Estimated Cost of Reimbursable Eligible Activities

Description of Eligible Activity		Estimated Cost*
1.	Predevelopment Activities	\$ 40,390
2.	Due Care Compliance	\$ 53,000
3.	Response Activities	\$ 175,000
4.	Demolition	\$ 325,000
5.	Lead and Asbestos Activities	\$ 25,000
6.	Site Preparation	\$ 968,000
7.	Infrastructure Improvements	\$ 45,000
Subtotal Environmental & Non-Environmental Eligible Activities		\$ 1,631,390
8.	15% Contingency on Eligible Activities**	\$ 243,900
9.	Brownfield Plan & Act 381 WP Preparation and Implementation	\$ 26,000
Total Eligible Activities Cost with 15% Contingency		\$ 1,901,290
10.	State Revolving Fund	\$ 184,584
11.	Interest (calculated at 5%, simple)***	\$ 965,637
Total Eligible Costs for Reimbursement		\$ 3,051,512

*Estimated costs are subject to approval by MSF and EGLE. Any costs not approved by the MSF or EGLE will become ineligible.

**The contingency is applied to the Subtotal, excepting the BEA Activities, which have already been performed.

***Interest is calculated annually at 5% simple interest on unreimbursed eligible activities, in accordance with Midland BRFA policy.

A detailed breakout of the eligible activities and the estimated cost of each eligible activity intended to be paid for with Tax Increment Revenues from the subject property is shown in Attachment D, Table 1.

It is currently anticipated that redevelopment will begin in Fall 2020 and be completed by Spring 2024.

The Developer desires to be reimbursed for the costs of eligible activities. Tax increment revenue generated by the subject property will be captured by the Authority and used to reimburse the cost of the eligible activities completed on the subject property after approval of this Brownfield Plan and an associated Reimbursement Agreement.

The costs listed in the table above are estimated costs and may increase or decrease depending on the nature and extent of environmental contamination and other unknown conditions encountered on the subject property. However, in no event shall the total reimbursable amount to the Developer exceed \$1,901,290 plus 5% interest. The actual cost of those eligible activities encompassed by this Brownfield Plan that will qualify for reimbursement from tax increment revenues of the Authority from the subject property shall be governed by the terms of a Reimbursement Agreement with the Authority (the "Reimbursement Agreement"). No costs of eligible activities will be qualified for reimbursement except to the extent permitted in accordance with the terms and conditions of the Reimbursement Agreement and/or the Development Agreement.

In accordance with this Brownfield Plan, and the associated Reimbursement Agreement, the amount advanced by the Developer will be repaid by the Authority with interest at the rate set at 5% simple interest, solely from the tax increment revenues realized from the Eligible Property. Payments will be made to the full extent incremental property tax revenues are or become available for such purpose under the Act. Based on the projected cost of eligible activities, interest reimbursement in this Brownfield Plan is estimated at \$965,637. However, if the actual cost of eligible activities turns out to be lower than the above estimates, interest reimbursement may be lower, subject to the 5% simple interest calculation.

The amount of school tax revenues, which will be used to reimburse the costs of implementing eligible activities at this site, will be limited to the cost of eligible activities approved by the EGLE and the MSF, together with the interest rate provided above. In the event that the use of school tax revenues to reimburse specific eligible activities is not approved by EGLE or MSF, these specific activities will be deemed ineligible for reimbursement.

2.4 Estimate of Captured Taxable Value and Tax Increment Revenues (Section 13 (2)(c)); Impact of Tax Increment Financing on Taxing Jurisdictions (Section 13 (2)(g), Section 2(ss))

This Brownfield Plan anticipates the capture of tax increment revenues to reimburse the Developer for the costs of eligible activities under this Brownfield Plan in accordance with the Reimbursement Agreement. A table of estimated tax increment revenues to be captured is attached to this Brownfield Plan as Attachment D, Table 2. Tax increment revenue capture is expected to begin in 2022.

The subject property is located within the City of Midland's Downtown Development District, managed by the Downtown Development Authority (DDA). The DDA has the authority to capture all tax increment revenues other than the state education tax and local or intermediate school district taxes. However, it is anticipated that an interlocal agreement will be executed between the DDA and the BFRA to allow 100% of the DDA's incremental revenue to be captured by the BRFA and used for the TIF.

The total estimated cost of the eligible activities and other costs (including contingency, interest, and deposits to the State Brownfield Redevelopment Fund) to be reimbursed through the capture of tax increment revenue is projected to be \$3,051,512. The initial taxable value for this Brownfield Plan is estimated to be \$246,723 and will be based on land and real property tax only. The initial taxable value will be set in 2021, the next assessment year following the date this Brownfield Plan is approved by Midland City Council. Redevelopment of the subject property is expected to initially generate incremental taxable value in 2022 with the first significant increase in taxable value of approximately \$289,194.

It is estimated that the Authority will capture the 2022 through 2045 tax increment revenues to reimburse the cost of the eligible activities, reimburse interest, and make deposits to the State Brownfield Redevelopment Fund. An estimated schedule of tax increment revenue reimbursement is provided as Attachment D, Table 3.

The captured incremental taxable value and associated tax increment revenue will be based on the actual increased taxable value from all taxable improvements on the subject property and the actual millage rates levied by the various taxing jurisdictions during each year of the plan, as shown in Attachment D, Tables 2 and 3. The actual tax increment captured will be based on taxable value set through the property assessment process by the local unit of government and equalized by the County and the millage rates set each year by the taxing jurisdictions.

2.5 Plan of Financing (Section 13 (2)(d)); Maximum Amount of Indebtedness (Section 13 (2)(e))

Eligible activities are to be financed by the Developer. The Authority will reimburse the Developer for the cost of approved eligible activities, but only from tax increment revenues generated from the subject property as available, and subject to the Reimbursement Agreement and Development Agreement.

All reimbursements authorized under this Brownfield Plan shall be governed by the Reimbursement Agreement. The Authority shall not incur any note or bonded indebtedness to finance the purposes of this Brownfield Plan. The inclusion of eligible activities and estimates of costs to be reimbursed in this Brownfield Plan is intended to: (1) authorize the Authority to fund such reimbursements; and (2) provide the DDA with relevant information necessary to form and execute an interlocal agreement to fund such reimbursements. The inclusion of eligible activities and estimates of costs to be reimbursed in this Brownfield Plan does not obligate the Authority to fund any reimbursement or to enter into the Reimbursement Agreement providing for the reimbursement of any costs for which tax increment revenues may be captured under this Brownfield Plan, or which are permitted to be reimbursed under this Brownfield Plan. The amount and source of any tax increment revenues that will be used for purposes authorized by this Brownfield Plan, and the terms and conditions for such use and upon any reimbursement of the expenses permitted by the Brownfield Plan, will be provided solely under the Reimbursement Agreement contemplated by this Brownfield Plan.

2.6 Duration of Brownfield Plan (Section 13 (2)(f))

Current tax capture projections indicate the tax increment capture will continue for 24 years. In no event shall the duration of the Brownfield Plan exceed 35 years following the date of the resolution approving the Brownfield Plan, nor shall the duration of the tax capture exceed the lesser of the period authorized under subsection (4) and (5) of Section 13 of Act 381 or 30 years. Further, in no event shall the beginning date of the capture of tax increment revenues be later than five years after the date of the resolution approving the Brownfield Plan.

2.7 Effective Date of Inclusion in Brownfield Plan

The subject property will become a part of this Brownfield Plan on the date this Brownfield Plan is approved by the City of Midland City Council. The date of tax capture shall commence during the year construction begins or the immediate following year—as increment revenue becomes available— but the beginning date of tax capture shall not exceed five years beyond the date of the governing body resolution approving the Brownfield Plan amendment.

2.8 Displacement/Relocation of Individuals on Eligible Property (Section 13 (2)(i-l))

There are no persons or businesses residing on the Eligible Property, and no occupied residences will be acquired or cleared; therefore, there will be no displacement or relocation of persons or businesses under this Brownfield Plan.

2.9 Local Brownfield Revolving Fund (“LBRF”) (Section 8, Section 13(2)(m))

The Authority does not anticipate capturing tax increment revenues for making deposits to a Local Brownfield Revolving Fund under this Plan.

2.10 Other Information

The tax capture breakdown of tax increment revenues anticipated to become available for use in this Brownfield Plan is summarized below.

There are 54.0357 non-homestead mills available for capture, with school millage equaling 24.0000 mills (44%) and local millage equaling 30.0357 mills (56%). None of the project will include homestead residential property, with those properties including the State Education Tax and local ISD taxes. The requested tax capture for environmental and non-environmental eligible activities breaks down as follows:

Tax Capture

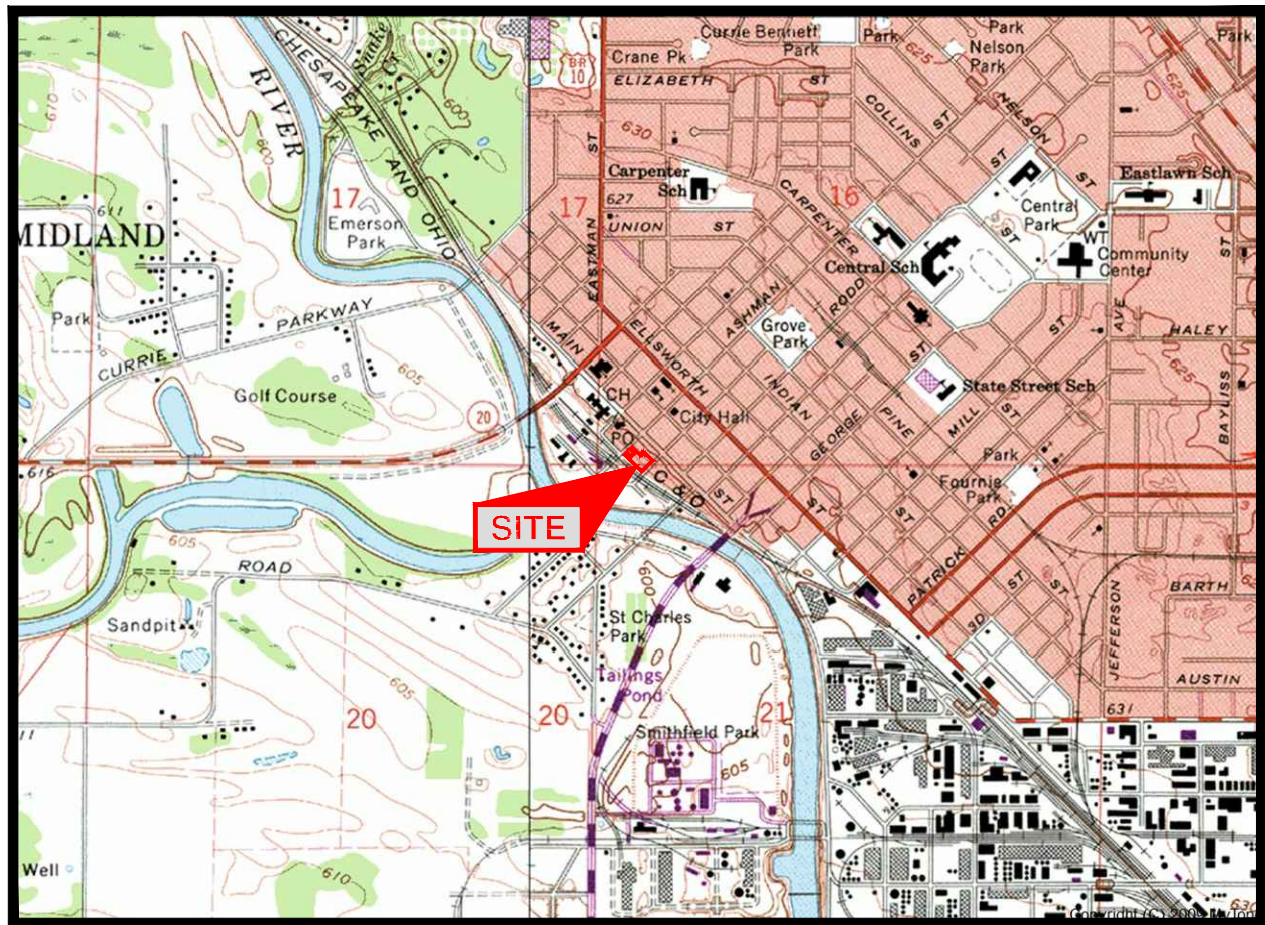
State to Local Tax Capture	Eligible Activities, 5% Interest, Contingency
MSF/EGLE School tax capture (44.4%)	\$1,177,805
MSF/EGLE Local tax capture (55.6%)	\$1,689,122
Local-Only tax capture	\$0
Total	\$2,866,927

Attachments

Attachment A

Site Maps and Photographs

MIDLAND SOUTH QUADRANGLE
MICHIGAN - MIDLAND COUNTY
7.5 MINUTE SERIES (TOPOGRAPHIC)



T.14 N.-R.2 E.

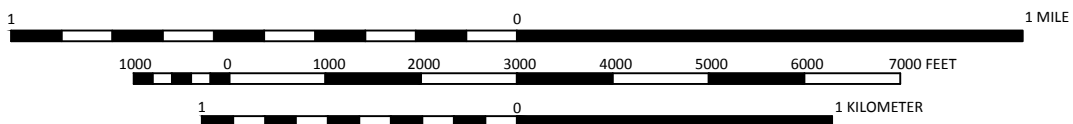


IMAGE TAKEN FROM 1967 U.S.G.S. TOPOGRAPHIC MAP
PHOTOREVISED 1973

MICHIGAN
QUADRANGLE LOCATION



AKTPEERLESS

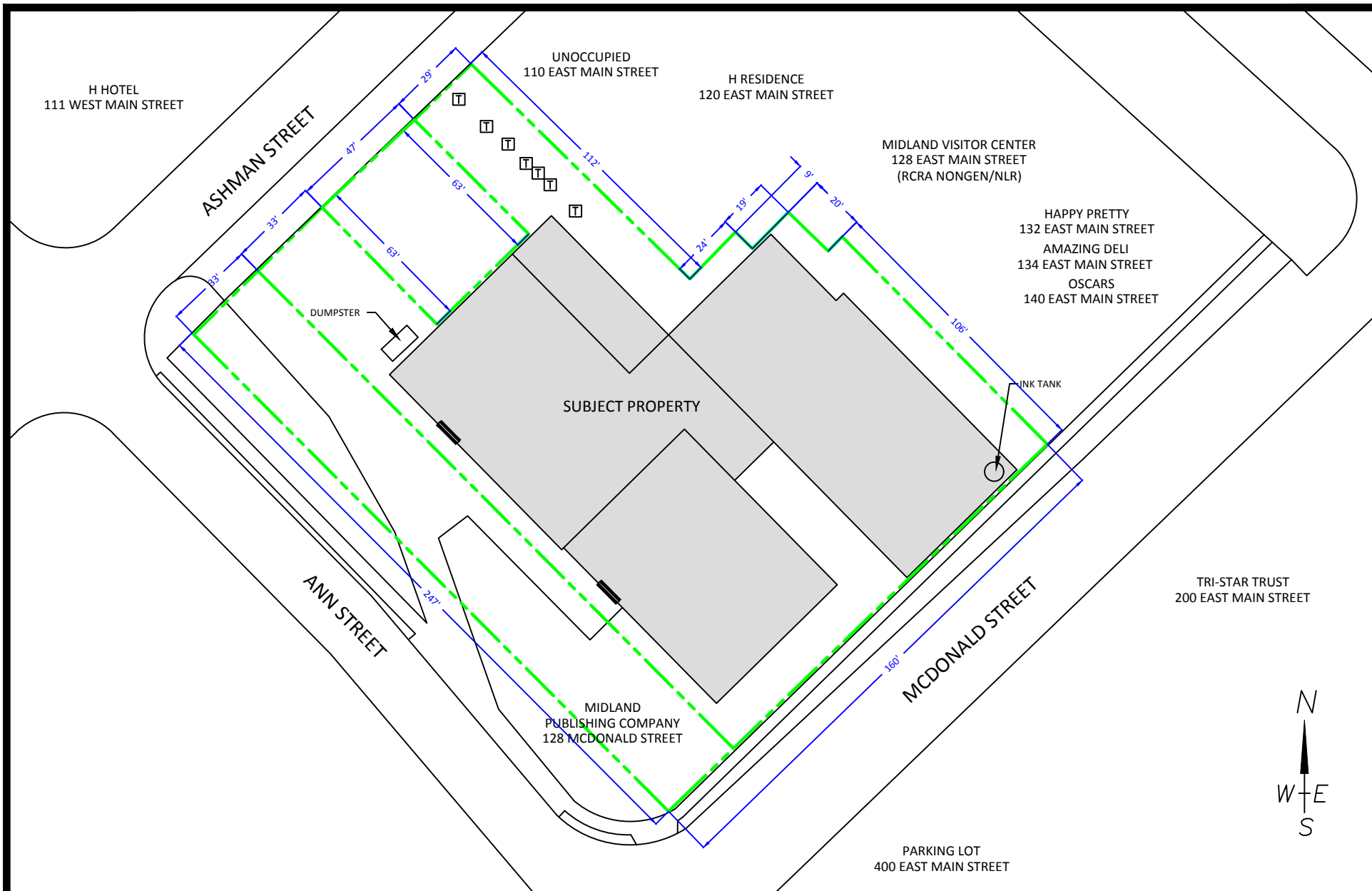
www.aktpeerless.com

TOPOGRAPHIC LOCATION MAP

124 AND 128 MCDONALD STREET
& 100 ASHMAN STREET
MIDLAND, MICHIGAN
PROJECT NUMBER: 12461s2-3-25

DRAWN BY: OGO
DATE: 07/08/2019

FIGURE 1



AKTPEERLESS

www.aktpeerless.com

BROWNFIELD ELIGIBLE PROPERTY MAP

124 AND 128 MCDONALD STREET
& 100 ASHMAN STREET
MIDLAND, MICHIGAN
PROJECT NUMBER: 12461s2-3-25

LEGEND

- = PROPERTY LINE
- = OVERHEAD DOOR
- = PAD MOUNTED TRANSFORMER

DRAWN BY: OGO
DATE: 07/08/2019

0 25 50
SCALE: 1" = 50'

FIGURE 2



VIEW OF SUBJECT PROPERTY FACING NORTHWEST



SUBJECT PROPERTY FACING SOUTHEAST

Attachment B

Legal Descriptions

124 MCDONALD ST MIDLAND, MI 48640 (Property Address)

62 Number: 14-16-50-496



Item 1 of 2

[1 Image / 1 Sketch](#)

Property Owner: SAHASA REALTY CORP

Summary Information

- > Commercial/Industrial Building Summary
 - Yr Built: 1927
 - # of Buildings: 1
 - Total Sq.Ft.: 18,492
- > 4 Special Assessments found
- > Assessed Value: \$502,100 | Taxable Value: \$391,987
- > Property Tax information found

Owner and Taxpayer Information

Owner

SAHASA REALTY CORP
1100 S WASHINGTON ST, STE 3
SAGINAW, MI 48601

Taxpayer

SEE OWNER INFORMATION

General Information for Tax Year 2019

Property Class	COMMERCIAL, IMPROVED DDA	Unit	180 CITY OF MIDLAND - MIDLAND
School District	District 56010	Assessed Value	\$502,100
MAP #	No Data to Display	Taxable Value	\$391,987
USER NUM IDX	0	State Equalized Value	\$502,100
USER ALPHA 1	Not Available	Date of Last Name Change	Not Available
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
USER ALPHA 2	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date

No Data to Display

Principal Residence Exemption	June 1st	Final
2020	0.0000 %	-
2019	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
63 2018	\$382,800	\$382,800	\$382,800
2017	\$272,700	\$272,700	\$255,579
2016	\$253,300	\$253,300	\$253,300
2015	\$257,200	\$257,200	\$257,200
2014	\$257,200	\$257,200	\$257,200
2013	\$257,200	\$257,200	\$257,200
2012	\$257,200	\$257,200	\$257,200
2011	\$262,400	\$262,400	\$262,400
2010	\$262,400	\$262,400	\$261,612
2009	\$262,400	\$262,400	\$262,400
2008	\$262,400	\$262,400	\$262,400
2007	\$262,400	\$262,400	\$262,400
2006	\$262,400	\$262,400	\$262,400
2005	\$262,400	\$262,400	\$262,400
2004	\$262,400	\$262,400	\$262,400
2003	\$262,400	\$262,400	\$262,400
2002	\$262,400	\$262,400	\$262,400
2001	\$262,400	\$262,400	\$262,400
2000	\$262,400	\$262,400	\$262,400
1999	\$262,400	\$262,400	\$262,400

Land Information

Zoning Code	D	Total Acres	0.695
Land Value	\$363,200	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	<i>No Data to Display</i>
ECF Neighborhood	20001 COMM DDA	Mortgage Code	<i>No Data to Display</i>
Lot Dimensions/Comments	30315 SF	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	158.00 ft	191.87 ft
Total Frontage: 158.00 ft		Average Depth: 191.87 ft

Legal Description

64 S 7,8, SW 5 FT OF LOT 1, SW 5 FT OF SE 40 FT OF LOT 2, LOTS 5 & 6 EXC NE 21 FT & EXC BEG AT W COR OF LOT 5, NE 46.6 FT, SE 62.65 FT, SW TO SW LN OF BLK 12 NW TO BEG, ALL IN BLK 12 ORIGINAL PLAT OF MIDLAND & 1/2 VAC ANN ST ADJ & NW 4FT OF MCDONALD ST ADJ, EXC BEG 10 FT NW OF INT OF CL OF VAC ANN ST & NW LN OF MCDONALD ST, SE 14 FT, NE 1.5 FT, NW TO BEG.

Land Division Act Information

Date of Last Split/Combine	05/25/2011	Number of Splits Left	0
Date Form Filed	05/23/2011	Unallocated Div.s of Parent	0
Date Created	05/25/2011	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	<i>Not Available</i>
Split Number	0	Courtesy Split	<i>Not Available</i>
Parent Parcel	<i>No Data to Display</i>		

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Liber/Page
11/15/2017	\$750,000.00	CD	MIDLAND PUBLISHING COMPANY	SAHASA REALTY CORP	1611/0023

Building Information - 18492 sq ft Industrial - Light Manufacturing (Commercial)

Floor Area	18,492 sq ft	Estimated TCV	<i>Not Available</i>
Occupancy	Industrial - Light Manufacturing	Class	C
Stories Above Ground	2	Average Story Height	10 ft
Basement Wall Height	0 ft	Identical Units	<i>Not Available</i>
Year Built	1927	Year Remodeled	<i>Not Available</i>
Percent Complete	100%	Heat	Complete H.V.A.C.
Physical Percent Good	35%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	75 yrs

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128 MCDONALD ST MIDLAND, MI 48640 (Property Address)

65 Number: 14-21-80-262



Item 1 of 2 2 Images / 0 Sketches

Property Owner: SAHASA REALTY CORP

Summary Information

- > Commercial/Industrial Building Summary
 - Yr Built: N/A
 - # of Buildings: 1
 - Total Sq.Ft.: N/A
- > Assessed Value: \$26,700 | Taxable Value: \$26,700
- > Property Tax information found

Owner and Taxpayer Information

Owner	SAHASA REALTY CORP 1100 S WASHINGTON ST, STE 3 SAGINAW, MI 48601	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2019

Property Class	COMMERCIAL, IMPROVED DDA	Unit	180 CITY OF MIDLAND - MIDLAND
School District	District 56010	Assessed Value	\$26,700
MAP #	No Data to Display	Taxable Value	\$26,700
USER NUM IDX	0	State Equalized Value	\$26,700
USER ALPHA 1	Not Available	Date of Last Name Change	Not Available
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
USER ALPHA 2	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date No Data to Display

Principal Residence Exemption	June 1st	Final
2020	0.0000 %	-
2019	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2018	\$28,200	\$28,200	\$28,200
2017	\$28,300	\$28,300	\$6,889
2016	\$3,600	\$3,600	\$2,071
2015	\$3,600	\$3,600	\$2,065
2014	\$3,600	\$3,600	\$2,033
2013	\$3,400	\$3,400	\$2,001
2012	\$3,300	\$3,300	\$1,955
2011	\$3,300	\$3,300	\$1,904
2010	\$3,300	\$3,300	\$1,873
2009	\$3,100	\$3,100	\$1,879
2008	\$2,800	\$2,800	\$1,800
2007	\$2,500	\$2,500	\$1,800
2006	\$2,500	\$2,500	\$1,800
2005	\$2,400	\$2,400	\$1,800
2004	\$2,400	\$2,400	\$1,800
2003	\$2,200	\$2,200	\$1,800
2002	\$2,200	\$2,200	\$1,800
2001	\$2,100	\$2,100	\$1,800
2000	\$2,000	\$2,000	\$1,800
1999	\$1,900	\$1,900	\$1,800

Land Information

Zoning Code	CC	Total Acres	0.182
Land Value	\$47,600	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	<i>No Data to Display</i>
ECF Neighborhood	20001 COMM DDA	Mortgage Code	<i>No Data to Display</i>
Lot Dimensions/Comments	<i>No Data to Display</i>	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	33.00 ft	240.00 ft
Total Frontage: 33.00 ft		Average Depth: 240.00 ft

Legal Description

67 ONLY 1/2 OF VAC ANN ST BETWEEN ASHMAN ST & MCDONALD

Land Division Act Information

Date of Last Split/Combine	<i>No Data to Display</i>	Number of Splits Left	0
Date Form Filed	<i>No Data to Display</i>	Unallocated Div.s of Parent	0
Date Created	<i>No Data to Display</i>	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	<i>Not Available</i>
Split Number	0	Courtesy Split	<i>Not Available</i>
Parent Parcel	<i>No Data to Display</i>		

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Liber/Page
11/15/2017	\$750,000.00	CD	MIDLAND PUBLISHING COMPANY	SAHASA REALTY CORP	1611/0023
05/19/1995	\$16,696.00	WD			

Building Information - 0 sq ft User-Defined (Commercial)

Floor Area	0 sq ft	Estimated TCV	<i>Not Available</i>
Occupancy	User-Defined	Class	A
Stories Above Ground	0	Average Story Height	0 ft
Basement Wall Height	0 ft	Identical Units	<i>Not Available</i>
Year Built	<i>Not Available</i>	Year Remodeled	<i>Not Available</i>
Percent Complete	0%	Heat	No Heating or Cooling
Physical Percent Good	77%	Functional Percent Good	0%
Economic Percent Good	0%	Effective Age	13 yrs

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100 ASHMAN ST MIDLAND, MI 48640 (Property Address)

68

Number: 14-16-50-486



Item 1 of 1

[1 Image / 0 Sketches](#)

Property Owner: SAHASA REALTY CORP

Summary Information

- > Commercial/Industrial Building Summary
 - Yr Built: N/A
 - # of Buildings: 1
 - Total Sq.Ft.: N/A
- > 3 Special Assessments found
- > Assessed Value: \$19,100 | Taxable Value: \$19,100
- > Property Tax information found

Owner and Taxpayer Information

Owner

SAHASA REALTY CORP
1100 S WASHINGTON ST, STE 3
SAGINAW, MI 48601

Taxpayer

SEE OWNER INFORMATION

General Information for Tax Year 2019

Property Class	COMMERCIAL, IMPROVED DDA	Unit	180 CITY OF MIDLAND - MIDLAND
School District	District 56010	Assessed Value	\$19,100
MAP #	No Data to Display	Taxable Value	\$19,100
USER NUM IDX	0	State Equalized Value	\$19,100
USER ALPHA 1	Not Available	Date of Last Name Change	Not Available
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
USER ALPHA 2	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date

No Data to Display

Principal Residence Exemption	June 1st	Final
2020	0.0000 %	-
2019	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2018	\$19,900	\$19,900	\$19,900
2017	\$19,900	\$19,900	\$19,650
2016	\$26,200	\$26,200	\$19,475
2015	\$26,200	\$26,200	\$19,417
2014	\$25,900	\$25,900	\$19,112
2013	\$24,800	\$24,800	\$18,812
2012	\$24,200	\$24,200	\$18,372
2011	\$24,200	\$24,200	\$17,889
2010	\$24,200	\$24,200	\$17,590
2009	\$23,000	\$23,000	\$17,643
2008	\$20,900	\$20,900	\$16,900
2007	\$19,000	\$19,000	\$16,600
2006	\$19,000	\$19,000	\$16,100
2005	\$18,100	\$18,100	\$15,600
2004	\$18,100	\$18,100	\$15,300
2003	\$16,800	\$16,800	\$15,000
2002	\$16,500	\$16,500	\$14,800
2001	\$15,700	\$15,700	\$14,400
2000	\$14,800	\$14,800	\$14,000
1999	\$14,400	\$14,400	\$13,800

Land Information

Zoning Code	D	Total Acres	0.067
Land Value	\$35,000	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	<i>No Data to Display</i>
ECF Neighborhood	20001 COMM DDA	Mortgage Code	<i>No Data to Display</i>
Lot Dimensions/Comments	<i>No Data to Display</i>	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	46.60 ft	62.65 ft
Total Frontage: 46.60 ft		Average Depth: 62.65 ft

Legal Description

70 § AT W COR OF LOT 5 BLK 12 ORIGINAL PLAT OF MIDLAND NE 46.6 FT, SE 62.65 FT, SW TO SW LN OF BLK 12 NW TO BEG, & 1/2 VAC ANN ST ADJ.

Land Division Act Information

Date of Last Split/Combine	<i>No Data to Display</i>	Number of Splits Left	0
Date Form Filed	<i>No Data to Display</i>	Unallocated Div.s of Parent	0
Date Created	<i>No Data to Display</i>	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	<i>Not Available</i>
Split Number	0	Courtesy Split	<i>Not Available</i>
Parent Parcel	<i>No Data to Display</i>		

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Liber/Page
11/15/2017	\$750,000.00	CD	MIDLAND PUBLISHING COMPANY	SAHASA REALTY CORP	1611/0023

Building Information - 0 sq ft User-Defined (Commercial)

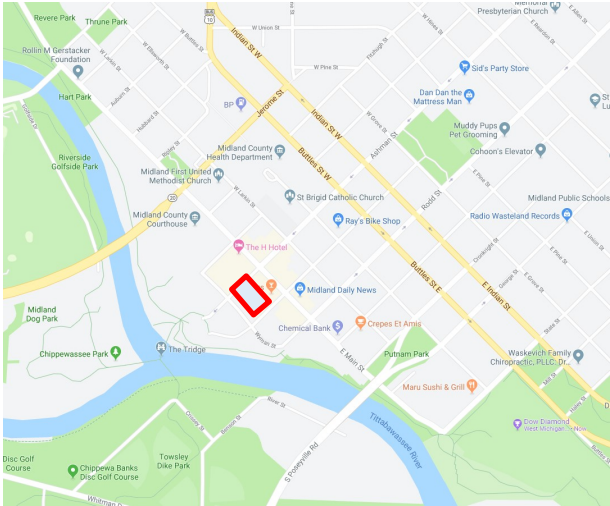
Floor Area	0 sq ft	Estimated TCV	<i>Not Available</i>
Occupancy	User-Defined	Class	A
Stories Above Ground	0	Average Story Height	0 ft
Basement Wall Height	0 ft	Identical Units	<i>Not Available</i>
Year Built	<i>Not Available</i>	Year Remodeled	<i>Not Available</i>
Percent Complete	0%	Heat	No Heating or Cooling
Physical Percent Good	77%	Functional Percent Good	0%
Economic Percent Good	0%	Effective Age	13 yrs

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Attachment C

Project Plans

DOWNTOWN MIDLAND REDEVELOPMENT



PROJECT SITE:

The project site is located on the block bounded by Ashman, Ann, McDonald and E. Main Streets in Downtown Midland. The site is the former home of the Midland Daily News.

PROJECT LOCATION: MIDLAND MI





Attachment D

TIF Tables

Table 1. Eligible Activities

MDN Site Redevelopment
 124 and 128 McDonald St and 100 Ashman St
 Midland, MI
 AKT Peerless Project No. 12461S2
As of January 29, 2020

ELIGIBLE ACTIVITIES COST SUMMARY				
	Estimated Cost of Eligible Activity			
Predevelopment Activities				\$ 40,390
Due Care Compliance Activities				\$ 53,000
Response Activities				\$ 175,000
TOTAL ENVIRONMENTAL ELIGIBLE ACTIVITIES				\$ 268,390
Demolition				\$ 325,000
Lead and Asbestos Activities				\$ 25,000
Site Preparation Activities				\$ 968,000
Eligible Infrastructure Improvement Activities				\$ 45,000
TOTAL NON-ENVIRONMENTAL ELIGIBLE ACTIVITIES				\$ 1,363,000
Total Environmental and Non-Environmental Eligible Activities				\$ 1,631,390
15% Contingency on Eligible Activities				\$ 243,900
Brownfield Plan & Act 381 WP Preparation				\$ 21,000
Brownfield Plan & Act 381 WP Implementation				\$ 5,000
Total Eligible Activities Cost with 15% Contingency				\$ 1,901,290
Interest (calculated at 5%, simple)				\$ 965,637
Total Eligible Activities Cost, with Contingency & Interest				\$ 2,866,927
State Revolving Fund				\$ 184,584
Total Eligible Costs for Reimbursement				\$ 3,051,512

Table 2. Tax Increment Revenue Estimates
MDN Building Redevelopment
124 and 128 McDonald St and 100 Ashman St
Midland, MI
AKT Peerless Project No. 12461S2
As of January 29, 2020

		Estimated TV Increase rate: 1.01														
		Plan Year	1	2	3	4	5	6	7	8	9	10	11	12		
		Calendar Year	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033		
Post-Dev TV (Developer Estimated)	Initial Taxable Value	\$	246,723	\$	246,723	\$	246,723	\$	246,723	\$	246,723	\$	246,723	\$	246,723	
	Estimated New TV	\$	535,917	\$	1,339,794	\$	2,679,587	\$	2,706,383	\$	2,733,447	\$	2,760,781	\$	2,788,389	
	Incremental Difference (New TV - Initial TV)	\$	289,194	\$	1,093,071	\$	2,432,864	\$	2,459,660	\$	2,486,724	\$	2,514,058	\$	2,541,666	
School Capture		Millage Rate														
State Education Tax (SET)	6.0000	Initial	\$	1,480	\$	1,480	\$	1,480	\$	1,480	\$	1,480	\$	1,480	\$	1,480
		Incremental	\$	1,735	\$	6,558	\$	14,597	\$	14,758	\$	14,920	\$	15,084	\$	15,250
School Operating Tax	16.1910	Initial	\$	3,995	\$	3,995	\$	3,995	\$	3,995	\$	3,995	\$	3,995	\$	3,995
		Incremental	\$	4,682	\$	17,698	\$	39,391	\$	39,824	\$	40,263	\$	40,705	\$	41,152
School Total		22.1910														
Total School Tax Increment Revenue Capture			\$	6,418	\$	24,256	\$	53,988	\$	54,582	\$	55,183	\$	55,789	\$	56,402
Local Capture			Millage Rate													
City Operating	12.6420	Incremental	\$	3,656	\$	13,819	\$	30,756	\$	31,095	\$	31,437	\$	31,783	\$	32,132
Library Operating	1.0000	Incremental	\$	289	\$	1,093	\$	2,433	\$	2,460	\$	2,487	\$	2,514	\$	2,542
Public Safety Pension	1.2399	Incremental	\$	359	\$	1,355	\$	3,017	\$	3,050	\$	3,083	\$	3,117	\$	3,151
Delta Charter -Operating	1.5563	Incremental	\$	450	\$	1,701	\$	3,786	\$	3,828	\$	3,870	\$	3,913	\$	3,956
Midland Co ESA Enhancement	0.7000	Incremental	\$	202	\$	765	\$	1,703	\$	1,722	\$	1,741	\$	1,760	\$	1,779
Delta Voted- Operating	0.4864	Incremental	\$	141	\$	532	\$	1,183	\$	1,196	\$	1,210	\$	1,223	\$	1,236
Midland Co ESA Operating	1.1756	Incremental	\$	340	\$	1,285	\$	2,860	\$	2,892	\$	2,923	\$	2,956	\$	2,988
Midland Co ESA Enhancement	1.5000	Incremental	\$	434	\$	1,640	\$	3,649	\$	3,689	\$	3,730	\$	3,771	\$	3,812
Midland Co Operating	4.8955	Incremental	\$	1,416	\$	5,351	\$	11,910	\$	12,041	\$	12,174	\$	12,308	\$	12,443
Road (2012 & 2014)	2.0000	Incremental	\$	578	\$	2,186	\$	4,866	\$	4,919	\$	4,973	\$	5,028	\$	5,083
EMS	0.5500	Incremental	\$	159	\$	601	\$	1,338	\$	1,353	\$	1,368	\$	1,383	\$	1,398
Mosquito	0.4000	Incremental	\$	116	\$	437	\$	973	\$	984	\$	995	\$	1,006	\$	1,017
ETC Transportation	0.2500	Incremental	\$	72	\$	273	\$	608	\$	615	\$	622	\$	629	\$	635
Seniors	0.8500	Incremental	\$	246	\$	929	\$	2,068	\$	2,091	\$	2,114	\$	2,137	\$	2,160
Local HH MPS	1.8090	Incremental	\$	523	\$	1,977	\$	4,401	\$	4,450	\$	4,498	\$	4,548	\$	4,598
Pinecrest	0.3700	Incremental	\$	107	\$	404	\$	900	\$	910	\$	920	\$	930	\$	940
School Resource Officers	0.4000	Incremental	\$	116	\$	437	\$	973	\$	984	\$	995	\$	1,006	\$	1,017
Local Total		31.8247														
Total Local Tax Increment Revenue Capture			\$	9,204	\$	34,787	\$	77,425	\$	78,278	\$	79,139	\$	80,009	\$	80,888
Non-Capturable Millages			Millage Rate													
City Debt	0.2566	New TV	\$	138	\$	344	\$	688	\$	694	\$	701	\$	708	\$	716
2015 MPS Bond Debt	2.9500	New TV	\$	1,581	\$	3,952	\$	7,905	\$	7,984	\$	8,064	\$	8,144	\$	8,226
Total Non-Capturable Taxes		5.2066														

Table 2. Tax Increment Revenue Estimates
MDN Building Redevelopment
124 and 128 McDonald St and 100 Ashman St
Midland, MI
AKT Peerless Project No. 12461S2
As of January 29, 2020

		Estimated TV Increase rate:														
		Plan Year	13	14	15	16	17	18	19	20	21	22	23	24		
		Calendar Year	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045		
Post-Dev TV (Developer Estimated)	Initial Taxable Value	\$	246,723	\$	246,723	\$	246,723	\$	246,723	\$	246,723	\$	246,723	\$	246,723	
	Estimated New TV	\$	2,959,931	\$	2,989,530	\$	3,019,426	\$	3,049,620	\$	3,080,116	\$	3,110,917	\$	3,142,026	
	Incremental Difference (New TV - Initial TV)	\$	2,713,208	\$	2,742,807	\$	2,772,703	\$	2,802,897	\$	2,833,393	\$	2,864,194	\$	2,895,303	
School Capture		Millage Rate														
State Education Tax (SET)	6.0000	Initial	\$	1,480	\$	1,480	\$	1,480	\$	1,480	\$	1,480	\$	1,480	\$	1,480
		Incremental	\$	16,279	\$	16,457	\$	16,636	\$	16,817	\$	17,000	\$	17,185	\$	17,372
School Operating Tax	16.1910	Initial	\$	3,995	\$	3,995	\$	3,995	\$	3,995	\$	3,995	\$	3,995	\$	3,995
		Incremental	\$	43,930	\$	44,409	\$	44,893	\$	45,382	\$	45,875	\$	46,374	\$	46,878
School Total		22.1910														
Total School Tax Increment Revenue Capture			\$	60,209	\$	60,866	\$	61,529	\$	62,199	\$	62,876	\$	63,559	\$	64,250
			\$	64,250	\$	64,947	\$	65,651	\$	66,362	\$	67,081	\$	67,806		
Local Capture		Millage Rate														
City Operating	12.6420	Incremental	\$	34,300	\$	34,675	\$	35,053	\$	35,434	\$	35,820	\$	36,209	\$	36,602
Library Operating	1.0000	Incremental	\$	2,713	\$	2,743	\$	2,773	\$	2,803	\$	2,833	\$	2,864	\$	2,895
Public Safety Pension	1.2399	Incremental	\$	3,364	\$	3,401	\$	3,438	\$	3,475	\$	3,513	\$	3,551	\$	3,590
Delta Charter -Operating	1.5563	Incremental	\$	4,223	\$	4,269	\$	4,315	\$	4,362	\$	4,410	\$	4,458	\$	4,506
Midland Co ESA Enhancement	0.7000	Incremental	\$	1,899	\$	1,920	\$	1,941	\$	1,962	\$	1,983	\$	2,005	\$	2,027
Delta Voted- Operating	0.4864	Incremental	\$	1,320	\$	1,334	\$	1,349	\$	1,363	\$	1,378	\$	1,393	\$	1,408
Midland Co ESA Operating	1.1756	Incremental	\$	3,190	\$	3,224	\$	3,260	\$	3,295	\$	3,331	\$	3,367	\$	3,404
Midland Co ESA Enhancement	1.5000	Incremental	\$	4,070	\$	4,114	\$	4,159	\$	4,204	\$	4,250	\$	4,296	\$	4,343
Midland Co Operating	4.8955	Incremental	\$	13,283	\$	13,427	\$	13,574	\$	13,722	\$	13,871	\$	14,022	\$	14,174
Road (2012 & 2014)	2.0000	Incremental	\$	5,426	\$	5,486	\$	5,545	\$	5,606	\$	5,667	\$	5,728	\$	5,791
EMS	0.5500	Incremental	\$	1,492	\$	1,509	\$	1,525	\$	1,542	\$	1,558	\$	1,575	\$	1,592
Mosquito	0.4000	Incremental	\$	1,085	\$	1,097	\$	1,109	\$	1,121	\$	1,133	\$	1,146	\$	1,158
ETC Transportation	0.2500	Incremental	\$	678	\$	686	\$	693	\$	701	\$	708	\$	716	\$	724
Seniors	0.8500	Incremental	\$	2,306	\$	2,331	\$	2,357	\$	2,382	\$	2,408	\$	2,435	\$	2,461
Local HH MPS	1.8090	Incremental	\$	4,908	\$	4,962	\$	5,016	\$	5,070	\$	5,126	\$	5,181	\$	5,238
Pinecrest	0.3700	Incremental	\$	1,004	\$	1,015	\$	1,026	\$	1,037	\$	1,048	\$	1,060	\$	1,071
School Resource Officers	0.4000	Incremental	\$	1,085	\$	1,097	\$	1,109	\$	1,121	\$	1,133	\$	1,146	\$	1,158
Local Total		31.8247														
Total Local Tax Increment Revenue Capture			\$	86,347	\$	87,289	\$	88,240	\$	89,201	\$	90,172	\$	91,152	\$	92,142
			\$	92,142	\$	93,142	\$	94,152	\$	95,172	\$	96,202	\$	97,243		
Non-Capturable Millages		Millage Rate														
City Debt	0.2566	New TV	\$	760	\$	767	\$	775	\$	783	\$	790	\$	798	\$	806
2015 MPS Bond Debt	2.9500	New TV	\$	8,732	\$	8,819	\$	8,907	\$	8,996	\$	9,086	\$	9,177	\$	9,269
Total Non-Capturable Taxes		5.2066														

Table 3. Reimbursement Allocation Schedule
MDN Building Redevelopment
124 and 128 McDonald St and 100 Ashman St
Midland, MI
AKT Peerless Project No. 12461S2
As of January 29, 2020

Developer Reimbursement (30 Years)	Proportionality	School & Local Taxes	Local-Only Taxes	Total
State	41.1%	\$ 1,177,805		\$ 1,177,805
Local	58.9%	\$ 1,689,122	\$ -	\$ 1,689,122
TOTAL		\$ 2,866,927	\$ -	\$ 2,866,927
EGLE	16.9%	\$ 483,790		
MSF	83.1%	\$ 2,383,137		

Estimated Total Years of Plan: 24

	Plan Year	1	2	3	4	5	6	7	8	9	10	11	12
Total State Incremental Revenue		\$ 6,418	\$ 24,256	\$ 53,988	\$ 54,582	\$ 55,183	\$ 55,789	\$ 56,402	\$ 57,021	\$ 57,646	\$ 58,277	\$ 58,915	\$ 59,558
State Brownfield Revolving Fund (3 mills of SET)		\$ 868	\$ 3,279	\$ 7,299	\$ 7,379	\$ 7,460	\$ 7,542	\$ 7,625	\$ 7,709	\$ 7,793	\$ 7,878	\$ 7,965	\$ 8,052
State TIR Available for Reimbursement		\$ 5,550	\$ 20,977	\$ 46,689	\$ 47,203	\$ 47,723	\$ 48,247	\$ 48,777	\$ 49,312	\$ 49,853	\$ 50,399	\$ 50,950	\$ 51,507
Total Local Incremental Revenue		\$ 9,204	\$ 34,787	\$ 77,425	\$ 78,278	\$ 79,139	\$ 80,009	\$ 80,888	\$ 81,775	\$ 82,671	\$ 83,577	\$ 84,491	\$ 85,414
Local TIR Available for Reimbursement		\$ 9,204	\$ 34,787	\$ 77,425	\$ 78,278	\$ 79,139	\$ 80,009	\$ 80,888	\$ 81,775	\$ 82,671	\$ 83,577	\$ 84,491	\$ 85,414
Total State & Local TIR Available		\$ 14,753	\$ 55,764	\$ 124,114	\$ 125,481	\$ 126,862	\$ 128,256	\$ 129,665	\$ 131,087	\$ 132,524	\$ 133,975	\$ 135,441	\$ 136,921
DEVELOPER		Beginning Balance											
DEVELOPER Reimbursement Balance	\$ 2,866,927	\$ 2,852,174	\$ 2,796,410	\$ 2,672,296	\$ 2,546,815	\$ 2,419,953	\$ 2,291,696	\$ 2,162,031	\$ 2,030,944	\$ 1,898,420	\$ 1,764,445	\$ 1,629,004	\$ 1,492,083
STATE Reimbursement Balance	\$ 1,177,805	\$ 1,172,256	\$ 1,151,278	\$ 1,104,589	\$ 1,057,386	\$ 1,009,663	\$ 961,416	\$ 912,639	\$ 863,327	\$ 813,474	\$ 763,075	\$ 712,125	\$ 660,619
Eligible Activities Reimbursement	\$ 781,097	\$ 5,550	\$ 20,977	\$ 46,689	\$ 47,203	\$ 47,723	\$ 48,247	\$ 48,777	\$ 49,312	\$ 49,853	\$ 50,399	\$ 50,950	\$ 51,507
Environmental Eligible Activities	\$ 131,809	\$ 937	\$ 3,540	\$ 7,879	\$ 7,965	\$ 8,053	\$ 8,142	\$ 8,231	\$ 8,321	\$ 8,413	\$ 8,505	\$ 8,598	\$ 8,692
Non-Environmental Eligible Activities	\$ 649,288	\$ 4,613	\$ 17,437	\$ 38,810	\$ 39,238	\$ 39,670	\$ 40,106	\$ 40,546	\$ 40,991	\$ 41,440	\$ 41,894	\$ 42,352	\$ 42,815
Interest Reimbursement	\$ 396,708	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Environmental Portion	\$ 66,944	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-Environmental Portion	\$ 329,764	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total STATE TIR Reimbursement	\$ 5,550	\$ 20,977	\$ 46,689	\$ 47,203	\$ 47,723	\$ 48,247	\$ 48,777	\$ 49,312	\$ 49,853	\$ 50,399	\$ 50,950	\$ 51,507	
LOCAL Reimbursement Balance	\$ 1,689,122	\$ 1,679,918	\$ 1,645,132	\$ 1,567,707	\$ 1,489,429	\$ 1,410,289	\$ 1,330,280	\$ 1,249,393	\$ 1,167,617	\$ 1,084,946	\$ 1,001,369	\$ 916,878	\$ 831,464
Eligible Activities Reimbursement	\$ 1,120,193	\$ 9,204	\$ 34,787	\$ 77,425	\$ 78,278	\$ 79,139	\$ 80,009	\$ 80,888	\$ 81,775	\$ 82,671	\$ 83,577	\$ 84,491	\$ 85,414
Environmental Eligible Activities	\$ 189,031	\$ 1,553	\$ 5,870	\$ 13,065	\$ 13,209	\$ 13,355	\$ 13,501	\$ 13,650	\$ 13,799	\$ 13,951	\$ 14,103	\$ 14,258	\$ 14,414
Non-Environmental Eligible Activities	\$ 931,162	\$ 7,650	\$ 28,916	\$ 64,360	\$ 65,069	\$ 65,785	\$ 66,508	\$ 67,238	\$ 67,976	\$ 68,721	\$ 69,473	\$ 70,233	\$ 71,001
Interest Reimbursement	\$ 568,929	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Environmental Portion	\$ 96,006	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-Environmental Portion	\$ 472,923	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total LOCAL TIR Reimbursement	\$ 9,204	\$ 34,787	\$ 77,425	\$ 78,278	\$ 79,139	\$ 80,009	\$ 80,888	\$ 81,775	\$ 82,671	\$ 83,577	\$ 84,491	\$ 85,414	
Total Annual Developer Reimbursement	\$ 14,753	\$ 55,764	\$ 124,114	\$ 125,481	\$ 126,862	\$ 128,256	\$ 129,665	\$ 131,087	\$ 132,524	\$ 133,975	\$ 135,441	\$ 136,921	

Table 3. Reimbursement Allocation Schedule
MDN Building Redevelopment
124 and 128 McDonald St and 100 Ashman St
Midland, MI
AKT Peerless Project No. 12461S2
As of January 29, 2020

	End Plan											
	13	14	15	16	17	18	19	20	21	22	23	24
Total State Incremental Revenue	\$ 60,209	\$ 60,866	\$ 61,529	\$ 62,199	\$ 62,876	\$ 63,559	\$ 64,250	\$ 64,947	\$ 65,651	\$ 66,362	\$ 67,081	\$ 67,806
State Brownfield Revolving Fund (3 mills of SE	\$ 8,140	\$ 8,228	\$ 8,318	\$ 8,409	\$ 8,500	\$ 8,593	\$ 8,686	\$ 8,780	\$ 8,875	\$ 8,972	\$ 9,069	\$ 9,167
State TIR Available for Reimbursement	\$ 52,069	\$ 52,637	\$ 53,211	\$ 53,790	\$ 54,376	\$ 54,967	\$ 55,564	\$ 56,167	\$ 56,776	\$ 57,391	\$ 58,012	\$ 58,640
Total Local Incremental Revenue	\$ 86,347	\$ 87,289	\$ 88,240	\$ 89,201	\$ 90,172	\$ 91,152	\$ 92,142	\$ 93,142	\$ 94,152	\$ 95,172	\$ 96,202	\$ 97,243
Local TIR Available for Reimbursement	\$ 86,347	\$ 87,289	\$ 88,240	\$ 89,201	\$ 90,172	\$ 91,152	\$ 92,142	\$ 93,142	\$ 94,152	\$ 95,172	\$ 96,202	\$ 97,243
Total State & Local TIR Available	\$ 138,416	\$ 139,926	\$ 141,451	\$ 142,992	\$ 144,548	\$ 146,119	\$ 147,706	\$ 149,309	\$ 150,928	\$ 152,563	\$ 154,214	\$ 155,882
DEVELOPER												
DEVELOPER Reimbursement Balance	\$ 1,353,667	\$ 1,213,740	\$ 1,072,289	\$ 929,297	\$ 784,750	\$ 638,631	\$ 490,925	\$ 341,616	\$ 190,688	\$ 113,671	\$ 55,659	\$ (0)
STATE Reimbursement Balance	\$ 608,550	\$ 555,912	\$ 502,701	\$ 448,911	\$ 394,535	\$ 339,569	\$ 284,005	\$ 227,838	\$ 171,062	\$ 113,671	\$ 55,659	\$ (0)
Eligible Activities Reimbursement	\$ 52,069	\$ 52,637	\$ 53,211	\$ 53,790	\$ 52,203	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Environmental Eligible Activities	\$ 8,787	\$ 8,882	\$ 8,979	\$ 9,077	\$ 8,809	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-Environmental Eligible Activities	\$ 43,283	\$ 43,755	\$ 44,232	\$ 44,713	\$ 43,394	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Reimbursement	\$ -	\$ -	\$ -	\$ -	\$ 2,173	\$ 54,967	\$ 55,564	\$ 56,167	\$ 56,776	\$ 57,391	\$ 58,012	\$ 55,659
Environmental Portion	\$ -	\$ -	\$ -	\$ -	\$ 367	\$ 9,276	\$ 9,376	\$ 9,478	\$ 9,581	\$ 9,685	\$ 9,789	\$ 9,392
Non-Environmental Portion	\$ -	\$ -	\$ -	\$ -	\$ 1,806	\$ 45,691	\$ 46,187	\$ 46,689	\$ 47,195	\$ 47,706	\$ 48,223	\$ 46,267
Total STATE TIR Reimbursement	\$ 52,069	\$ 52,637	\$ 53,211	\$ 53,790	\$ 54,376	\$ 54,967	\$ 55,564	\$ 56,167	\$ 56,776	\$ 57,391	\$ 58,012	\$ 55,659
LOCAL Reimbursement Balance	\$ 745,117	\$ 657,828	\$ 569,588	\$ 480,386	\$ 390,214	\$ 299,062	\$ 206,920	\$ 113,778	\$ 19,626	\$ -	\$ -	\$ -
Eligible Activities Reimbursement	\$ 86,347	\$ 87,289	\$ 88,240	\$ 658	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Environmental Eligible Activities	\$ 14,571	\$ 14,730	\$ 14,890	\$ 111	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-Environmental Eligible Activities	\$ 71,776	\$ 72,559	\$ 73,350	\$ 547	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Reimbursement	\$ -	\$ -	\$ -	\$ 88,543	\$ 90,172	\$ 91,152	\$ 92,142	\$ 93,142	\$ 94,152	\$ 19,626	\$ -	\$ -
Environmental Portion	\$ -	\$ -	\$ -	\$ 14,942	\$ 15,216	\$ 15,382	\$ 15,549	\$ 15,718	\$ 15,888	\$ 3,312	\$ -	\$ -
Non-Environmental Portion	\$ -	\$ -	\$ -	\$ 73,602	\$ 74,956	\$ 75,770	\$ 76,593	\$ 77,425	\$ 78,264	\$ 16,314	\$ -	\$ -
Total LOCAL TIR Reimbursement	\$ 86,347	\$ 87,289	\$ 88,240	\$ 89,201	\$ 90,172	\$ 91,152	\$ 92,142	\$ 93,142	\$ 94,152	\$ 19,626	\$ -	\$ -
Total Annual Developer Reimbursement	\$ 138,416	\$ 139,926	\$ 141,451	\$ 142,992	\$ 144,548	\$ 146,119	\$ 147,706	\$ 149,309	\$ 150,928	\$ 77,017	\$ 58,012	\$ 55,659



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CITY OF MIDLAND
RESOLUTION APPROVING A BROWNFIELD PLAN
FOR THE CITY OF MIDLAND PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE
PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

At a regular meeting of the City Council of the City of Midland, Bay and Midland Counties, Michigan, held in the Council Chambers of said City on the 16th day of March, 2020, at 7:00 p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the City of Midland, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”), has established the Brownfield Redevelopment Financing Authority of the City of Midland (the “Authority”); and

WHEREAS, the Authority, pursuant to and in accordance with the provisions of the Act, has prepared and recommended for approval by the City Council, a Brownfield plan (the “Plan”) described as the Midland Daily News Building Redevelopment Project Brownfield Plan pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the City Council has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to the public about the Plan by publishing notice of the Plan and a hearing in which the Plan will be open for discussion in a newspaper of general circulation, provided notice, by direct mailing, to the taxing jurisdictions that levy taxes subject to capture under this plan, and the City Council has provided the public a reasonable opportunity to express its views regarding the Plan in accordance with Section 13 (10) and 13 (12) of the Act; and

WHEREAS, the City Council has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views and recommendations of the Authority and the public, the City Council desires to proceed with approval of the Plan; now therefore

RESOLVED, that pursuant to the authority vested in the City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached to this Resolution; and

RESOLVED FURTHER, that should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid; and

RESOLVED FURTHER, that all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed; and

RESOLVED FURTHER, that the Brownfield Reimbursement Agreement between Sahasa Realty Corp. and the City of Midland Brownfield Redevelopment Financing Authority shall be executed.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

8. * Receiving and filing the City Attorney's Report on the Annual Review of Liquor Licenses in the City of Midland. BRANSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: City Attorney's annual review of alcoholic beverage licenses for consumption on the premises

RESOLUTION SUMMARY: This resolution receives and files the City Attorney's Report on the status of liquor licenses in the City of Midland.

ITEMS ATTACHED:

1. Letter of transmittal.
2. City Attorney's Report.
3. Police Department's Report.
4. Resolution.

COUNCIL ACTION:

1. 3/5 vote required to approve resolution.

James O. Branson III
City Attorney



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March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Attached please find a report prepared by the City Attorney's office in compliance with the annual liquor license review specified in Section 15-250 of the City of Midland Code of Ordinances.

Included in the report is:

- a list of actions taken by the City Council involving liquor licenses over the past year;
- a listing of criteria used in evaluating each license with corresponding information on any violations by license holders over the past year;
- a list of all liquor licenses issued in the City of Midland and the status of each license; and
- a report by the Police Department.

Section 15-253(7) of the Code of Ordinances states during the annual review, the City Manager shall notify each escrowed license holder that the escrowed license must be activated prior to the end of the third consecutive year the license is in escrow, and that if a license remains in escrow after two (2) consecutive years, the City Manager shall initiate the revocation process in Section 15-254 six (6) months prior to the third consecutive anniversary of the date the license was placed in escrow by the Liquor Control Commission. This year's report indicates that the following licenses remains in escrow:

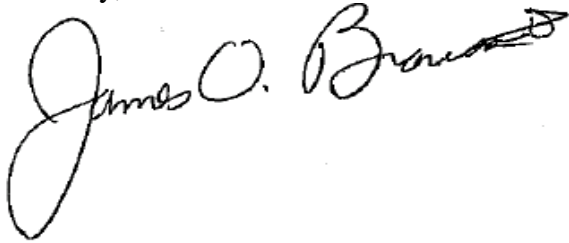
Business	Address	Escrow Date
Jeffwack Corners, LLC (operating as Landing Party Store)	203 E. Wackerly Street	April 8, 2016
Jason Johnson (operating as Bushey's Bar)	3001 S. Saginaw Road	September 21, 2018
Midland Moose Lodge	2100 Bay City Road	2019
Pizza Hut	1516 N. Saginaw Road	June 8, 2017
Parth Corp. (operating as McNamara's Pub)	1815 S. Saginaw Road	May 1, 2017
Waldo Market	2713 Waldo Avenue	2019

It should be pointed out that the Liquor Control Act now allows a license to be in escrow for up to five (5) consecutive years before action is taken to revoke the license. This provision supersedes the three (3) year limit in the City's ordinance.

Attached for your consideration is a resolution that will receive and file the attached report; no action by City Council is required.

Please feel free to contact my office if you should have any questions or comments.

Sincerely,

A handwritten signature in black ink, reading "James O. Branson III". The signature is written in a cursive style with a large, looping initial "J".

James O. Branson III
City Attorney

JOB/lak

Attachments

**City of Midland Liquor License Ordinance
on Alcoholic Beverage Licenses
for Consumption on the Premises**

City Attorney's Annual Review
March 16, 2020

Division 3 of the City of Midland Liquor License Ordinance on Alcoholic Beverage Licenses for Consumption on the Premises is entitled Renewal and Revocation of Licenses.

Section 15-250 requires the City Manager to cause an annual review of each licensee.

Section 15-252 requires the City Manager, at least sixty (60) days before a license is due for renewal or at any time in the case of a possible recommendation for revocation, to inform the licensee of the City Manager's intent to recommend to the City Council that the City should or should not file an objection with the Liquor Control Commission concerning renewal or a recommendation of revocation.

Section 15-253 sets forth the basis upon which a recommendation is made by the City Manager and the City Council to the Liquor Control Commission. This report is intended to meet the requirements set forth in Section 15-250 as well as provide an annual report of various transactions relating to liquor licenses in the City of Midland.

During 2018 the City Council considered the following items pertaining to liquor licenses in the City of Midland.

February 18, 2019

Recommended approval of the request from Davis Lodging VII, LLC for a new Class B-Hotel Liquor License to be located at 506 E. Buttles Street, commonly known as Fairfield Inn and Suites.

All liquor licenses within the City of Midland were evaluated in accordance with Section 15-253 of the Ordinance that reads as follows:

In connection with any recommendation made by the City Manager to the City Council pursuant to Section 15-250 concerning non-renewal or revocation of a liquor license and any subsequent decision by the City Council to recommend non-renewal or revocation of a liquor license to the Commission, both the City Manager and the City Council shall make said recommendations on the basis of whether any one or more of the following exists or has occurred:

- 1. Maintenance of a nuisance upon the premises;*
- 2. Failure to comply with the requirements of the Michigan Liquor Control Act or the administrative rules of the Commission;*
- 3. Failure to comply with any federal law, state statute or city ordinance in the conduct of its business;*
- 4. Failure to comply with any of the other requirements of this ordinance;*

5. *Failure to comply with any promises or statements made by the applicant for a license to the City Council at the time the liquor license was approved by the City Council or the failure to comply with any conditions imposed upon the applicant in connection with the approval of said license by the City Council; or*
6. *A knowingly false statement made in the application for a liquor license by the applicant or the applicant's agent or assign in the application, non-renewal or revocation procedure.*
7. *Non-use of the liquor license for a consecutive period of time of three (3) or more years from the time the liquor license is first placed into escrow with the Liquor Control Commission. (The term "non-use" shall be interpreted to mean the absence of actual use or utilization of a specific Class "C" liquor license or a specific liquor license other than a Class "C" liquor license which also permits consumption of alcoholic beverages on the premises in connection with the actual operation of a primary business activity as the latter term is described in Section 15-220.) During the annual review, the City Manager shall notify each escrowed license holder that the escrowed license must be activated prior to the end of the third consecutive year the license is in escrow. If a license remains in escrow after two consecutive years, the City Manager shall initiate the revocation process in Section 15-254 six (6) months prior to the third consecutive anniversary of the date the license was placed in escrow by the Liquor Control Commission.*
8. *Failure to have implemented procedures to prevent alcohol abuse on its premises or related to its premises by instituting a program such as Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), Techniques of Alcohol Management (T.A.M.) or the Management/Server Awareness Program.*
9. *Non-payment of any taxes due the municipality on properties holding a liquor license.*

Following is a report on each of the preceding criteria used in the evaluation of compliance for the purposes of non-renewal or revocation:

1. Maintenance of a nuisance upon the premises.

See Midland Police Department report.

2. Failure to comply with the requirements of the Michigan Liquor Control Act or the administrative rules of the Commission.

See Midland Police Department report.

3. Failure to comply with any federal law, state statute or city ordinance in the conduct of its business.

See Midland Police Department report.

4. Failure to comply with any of the other requirements of this ordinance.

See Midland Police Department report.

5. **Failure to comply with any promises or statements made by the applicant for a license to the City Council at the time the liquor license was approved by the City Council or the failure to comply with any conditions imposed upon the applicant in connection with the approval of said license by the City Council.**

See Midland Police Department report.

6. **A knowingly false statement made in the application for a liquor license by the applicant or the applicant's agent or assign in the application, non-renewal or revocation procedure.**

See Midland Police Department report.

7. **Non-use of the liquor license for a consecutive period of time of three (3) or more years from the time the liquor license is first placed into escrow with the Liquor Control Commission. (The term "non-use" shall be interpreted to mean the absence of actual use or utilization of a specific Class "C" liquor license or a specific liquor license other than a Class "C" liquor license which also permits consumption of alcoholic beverages on the premises in connection with the actual operation of a primary business activity as the latter term is described in Section 15-220.) During the annual review, the City Manager shall notify each escrowed license holder that the escrowed license must be activated prior to the end of the third consecutive year the license is in escrow. If a license remains in escrow after two consecutive years, the City Manager shall initiate the revocation process in Section 15-254 six (6) months prior to the third consecutive anniversary of the date the license was placed in escrow by the Liquor Control Commission.**

There were no licenses that failed to comply with this section of the ordinance.

Currently, there are six (6) licenses in escrow: Jeffwack Corners, LLC (operating as The Landing Party Store) was placed in escrow in April 2016; Jason Johnson (formerly operating as Bushey's Bar) was placed in escrow in September 2018; Midland Moose Lodge was placed in escrow in 2019 (exact date not available); Pizza Hut was placed in escrow in June 2017; Parth Corp. (operating as McNamara's Pub) was placed in escrow in May 2017; and Waldo Market was placed in escrow in 2019 (exact date not available).

8. **Failure to have implemented procedures to prevent alcohol abuse on its premises or related to its premises by instituting a program such as Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), Techniques of Alcohol Management (T.A.M.) or the Management/Server Awareness Program.**

There were no licenses that failed to comply with this section of the ordinance.

9. **Non-payment of any taxes due the municipality on properties holding a liquor license.**

There were no licensees who failed to pay personal property taxes for the 2019 tax year.

City Attorney's Recommendation:

That no action be taken against any license holders at this time.

MIDLAND POLICE DEPARTMENT LIQUOR CONTROL REPORT



2019



Police Department • 2727 Rodd Street • Midland, Michigan 48640-4474 • 989.631.5716 • 989.839.4734 fax • citypolice@midland-mi.org

DATE: 02-21-2020

TO: City Attorney James Branson

FROM: Detective Sergeant Tonya Laubscher

TOPIC: ANNUAL LIQUOR LICENSE REPORT

The following is a report of the licensed liquor establishments within the City of Midland for the calendar year 2019.

The majority of the licensed establishments serving and selling alcoholic beverages within the City of Midland remained in compliance with the Michigan Liquor Control Commission (LCC) regulations; as well as state and local statutes and rules.

Throughout the year the Midland Police Department continued the practice of random, unannounced, inspections of establishments. Included with these inspections are operations conducted by the LCC, which also conducts compliance checks with local businesses where alcohol is sold. The Midland Police Department is notified of any violations the LCC discovers.

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LICENSE QUOTAS FOR THE CITY OF MIDLAND

<u>LICENSE TYPE</u>	<u>AUTHORIZED</u>	<u>ISSUED</u>	<u>AVAILABLE</u>
RETAIL ON PREMISES	28	27	1
SDD-OFF PREMISES	14	14	0
SDM-OFF PREMISES	42	35	7

License Quotas Are Established In The Following Manner:

In cities, incorporated villages, or townships, only 1 specially designated distributor (SDD) license shall be issued by the commission for every 3,000 of population, or fraction thereof. The quota requirement may be waived at the discretion of the commission if there is no specially designated distributor licensee within 2 miles, measured along the nearest traffic route, of the applicant.

MCL 436.1533 states that a public license shall not be granted for the sale of alcoholic liquor for consumption on the premises in excess of 1 license for each 1,500 of population or major fraction thereof. In-depth information regarding quotas is found in MCL 436.1531 of the Liquor Control Code.

The above quotas were based on a Midland City population of 41,950. This population count is derived from the Federal Census.

LIST OF ON-PREMISES LICENSED BUSINESSES (CLASS C / B HOTEL / RESORT/SDM*)**

ON-SITE		ADDRESS	LIC TYPE
1	702 CLUB	702 JEFFERSON	SDM/CLASS C ***
2	APPLEBEE'S	6911 EASTMAN	CLASS C
3	BASIL THAI BISTRO	416 E. ELLSWORTH	CLASS C-DDA/OFF PREMISES STORAGE (PERMIT)
3	BOULEVARD LOUNGE	316 S. SAGINAW	SDM/CLASS C ***
4	BUFFALO WILD WINGS	6728 EASTMAN	CLASS C
5	CHINA PALACE	1908 S. SAGINAW	CLASS C
6	CURRIE MUNICIPAL GOLF	1300 CURRIE PKWY	SDM/CLASS C/RESORT ***
7	D'ALESSANDRO'S	801 E. WACKERLY	SDM/CLASS C ***
8	DECKERS LOUNGE	402 E. ELLSWORTH	SDM/CLASS C ***
9	DIAMOND JIM'S	101 E. MAIN	CLASS C
10	DOW CHEMICAL COMPANY	1790 BUILDING	INDUSTRIAL MANUFACTURER/LIMITED ALCOHOL BUYER
11	DOW DIAMOND	825 E. MAIN	CLASS C/RESORT
12	ENTRE' AMIGOS	2600 N. SAGINAW	CLASS C
13	FAIRFIELD INN & SUITES	506 E. BUTTLES	SDM/B HOTEL
14	FRICK'S BAR	4408 N. SAGINAW	SDM/CLASS C ***
15	FUJI SUSHI	1512 JOE MANN	SDM/CLASS C ***
16	GENJI	2929 S. SAGINAW	SDM/CLASS C ***
17	GHENGHIS KHAN	5010 BAY CITY RD	CLASS C
18	GRAPE BEGINNINGS WINERY	244 E. MAIN	SMALL WINE MAKER/DIRECT SHIPPER/MANUFACTURER/ON PREMISES TASTING ROOM
19	GRATZI	120 W. MAIN	SDM/CLASS C/RESORT ***
20	H HOTEL (THE)	111 W. MAIN	B HOTEL/RESORT
21	HOLIDAY INN	810 CINEMA	SDM/B HOTEL/RESORT***
22	MOLASSES	201 E. MAIN ST	SDM/CLASS C***
23	LOGAN'S	7135 EASTMAN	CLASS C/RESORT
24	LUCKY'S STEAKHOUSE	830 JOE MANN BLVD	SDM/CLASS C ***
25	MARU SUSHI MIDLAND	715 E. MAIN	SDM/CLASS C***
26	MIDLAND BREWING COMPANY	5011 N. SAGINAW	MICRO BREWER/ SMALL WINE MAKER/SALESPERSON
27	MIDLAND CENTER FOR THE ARTS	1801 W ST ANDREWS	CLASS C
28	MIDLAND CINEMAS	6540 CINEMA DR	CLASS C
29	NOODLES & COMPANY	7007 EASTMAN AVE	CLASS C
30	NORTHWOOD UNIVERSITY	4000 WHITTING DR	B HOTEL
31	OLD CHICAGO PIZZA AND TAPROOM	6603 EASTMAN	CLASS C***
32	OLIVE GARDEN	6803 EASTMAN	SDM/CLASS C ***
33	OSCAR'S BAR & GRILL	140 E. MAIN	SDM/CLASS C ***
34	PI'S	1819 S. SAGINAW	SDM/CLASS C ***
35	PIZZA SAM	102 W. MAIN	SDM/CLASS C ***
36	RESIDENCE INN BY MARRIOTT	850 JOE MANN BLVD	SDM/B HOTEL***
37	ROLL ARENA	2909 BAY CITY	SDM/CLASS C ***
38	RUBY TUESDAY	6800 EASTMAN	CLASS C
39	SHIRLENE'S CUISINE	1716 W. WACKERLY	SDM/CLASS C ***
40	SPRINGHILL SUITES BY MARRIOTT	520 JOE MANN	SDM/B HOTEL ***
41	STATE STREET (EAST END)	715 E MAIN SUITE 106	CLASS C/RESORT
42	VALLEY LANES	5021 BAY CITY	SDM/CLASS C ***
43	VALLEY PLAZA RESORT	5121 BAY CITY	SDM/CLASS C ***
44	WHICHRAFT TAP ROOM	124 ASHMAN	SDM/CLASS C-DDA ***
45	WHINE BAR	337 E. WACKERLY	SDM/CLASS C ***

LIST OF ON-PREMISES LICENSED BUSINESSES (CLUB)

CLUB LICENSES		ADDRESS	LIC TYPE
1	BERRYHILL	5111 HEDGEWOOD	CLUB
2	MIDLAND COUNTRY CLUB	1120 W. ST. ANDREWS	SDM/CLUB ***
3	VFW	3013 BAY CITY	CLUB

LIST OF OFF-PREMISES LICENSED BUSINESSES (SDM/SDD)

	PACKAGE SDM AND SDD	ADDRESS	LIC TYPE
1	7-Eleven #36927-A	3217 Bay City	SDM/SDD
2	7-Eleven #36894-A	4004 Jefferson	SDM
3	Admiral Petroleum #5826	603 E Ellsworth	SDM
4	Admiral Petroleum #5837	1801 S Saginaw	SDM
5	ALDI INC. #57	1200 Joe Mann	SDM
6	Anna's Market	1618 Jefferson	SDM/SDD
7	Bay City Road Party Store	1707 Bay City	SDM/SDD
7	Cork 'N' Ale	1607 E Patrick	SDM/SDD
8	CVS/Pharmacy #10442	1015 S. Saginaw	SDM
9	Dollar General	3939 Isabella	SDM
10	Eastman Party Store	5207 Eastman	SDM/SDD
11	Parkside Express	1601 E Wheeler	SDM
12	Family Fare	2026 N. Saginaw	SDM
13	Forward Enterprises	2029 S. Saginaw	SDM
14	Forward Enterprises	6214 Eastman	SDM
15	Horsley's Village Green	715 S. Saginaw	SDM
16	Jack's Fruit Market	2000 S. Saginaw	SDM/SDD
17	Kroger #277	2808 Ashman	SDM
18	LaLondes	4007 Jefferson	SDM/SDD
19	Meijer #108	7300 Eastman	SDM/SDD
20	Meijer Gas Station #108	7140 Eastman	SDM
21	Midland Sabourin's Pharmacy	314 W. Wackerly	SDM
22	Midland Wine and Sprints	517 S. Saginaw	SDM/SDD
23	Next Door Store #1042	3520 Isabella	SDM
24	Northern Market	6700 N. Saginaw	SDM/SDD
25	Rite Aid #1574	2006 N. Saginaw	SDM/SDD
26	Rite Aid #4382	2910 Ashman	SDM/SDD
27	Royal Party Store	1708 E. Ashman	SDM/SDD
28	Saginaw Road Party Store	4900 N. Saginaw	SDM/SDD
29	Save-A-Lot	1826 S Saginaw	SDM
30	Sid's	810 Ashman	SDM/SDD
31	Speedway #6276	604 S. Saginaw	SDM
32	Speedway #8807	6505 Eastman	SDM
33	Speedway #8808	2500 N. Saginaw	SDM
34	Speedway #2296	6225 Eastman	SDM
35	Speedway #8805	110 N. Saginaw	SDM
36	Speedway #8806	1215 S. Saginaw	SDM
37	Target	6820 Eastman	SDM
38	Village Mini Mart	3001 Bay City Rd	SDM
39	Walgreen's #9079	1615 N. Saginaw	SDM
40	Walgreen's #6559	931 S. Saginaw	SDM
41	Wal-Mart Supercenter #2619	910 Joe Mann	SDM/SDD

LIST OF LICENSES IN ESCROW, NEWLY APPLIED FOR AND IN TRANSFER

	BUSINESS	ADDRESS	In Escrow	Transfer Pending	Application Pending	Escrow Date
1	Jeffwack Corners, LLC (The Landing Party Store)	203 E. Wackerly Rd	Y			04-08-16
2	Jason Johnson (Bushey's Bar)	3001 S. Saginaw Rd	Y	N		09-21-18
3	Midland Moose Lodge	2100 Bay City Rd	Y	N		2019
4	Pizza Hut	1516 N. Saginaw Rd	Y	Y		06-08-17
5	Parth Corp. (McNamara's Pub)	1815 S. Saginaw Rd	Y	Y		05-01-17
6	Waldo Market	2713 Waldo Ave	Y	N		2019

*NOTE: This escrow report's information was valid as of 02-21-2020.

2019 LCC VIOLATIONS

The Michigan Department of Licensing and Regulatory Affairs (LARA) Liquor Control Commission (LCC) was contacted in regards to the violations within the City of Midland for the year 2019. At the time of this report, the requested information was not available. This was discussed with City Attorney Branson prior to the submission of this report.



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, Section 15-250 of the City of Midland Code of Ordinances directs the City Manager to cause an annual review of each liquor licensee to be submitted to the City Council; and

WHEREAS, said annual review has been prepared and reports that all licensees have complied with the provisions of Article VII of Chapter 15 of the Code of Ordinances; now therefore

RESOLVED, that in accord with Section 15-250 of the City of Midland Code of Ordinances, the annual review of liquor licenses is hereby received and ordered placed on file in the office of the City Clerk.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

9. * Resolution recommending approval of the request from Mi Element Grains and Grounds, LLC for a new on-premises tasting room permit to be located at 3124 Jefferson Avenue. BRANSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Request for New Liquor License

INITIATED BY: City Attorney's Office

RESOLUTION SUMMARY: This resolution recommends approval of the request from Mi Element Grains and Grounds, LLC for a new On-Premises Tasting Room Permit to be located at 3124 Jefferson Avenue, Midland.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

James O. Branson III
City Attorney



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.cityofmidlandmi.gov

March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

A request has been presented to the City from Mi Element Grains and Grounds, LLC for a new On-Premises Tasting Room Permit to be located at 3124 Jefferson Avenue, Midland. This license will be for a new bakery, coffee shop and microbrewery, still under construction, to be known as Mi Element Grains and Grounds.

After investigation and review by City staff members, approval of the request is recommended.

Attached for your consideration is the resolution as required by the Michigan Liquor Control Commission. Please do not hesitate to contact my office should you have any questions.

Sincerely,

James O. Branson III
City Attorney

JOB/lak

Attachments



Local Government Approval For On-Premises Tasting Room Permit
(Authorized by MCL 436.1536)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new On-Premises Tasting Room Permit application.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)
called to order by _____ on _____ at _____
the following resolution was offered: (date) (time)
Moved by _____ and supported by _____
that the application from Mi Element Grains and Grounds, L.L.C.
(name of applicant - if a corporation or limited liability company, please state the company name)

for a **NEW ON-PREMISES TASTING ROOM PERMIT**

to be located at: 3124 Jefferson Ave, Midland MI 48640

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____ (township, city, village)
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933
Fax to: 517-763-0059

Item Attachment Documents:

10. * Rural Business Development Grant for pre-engineering work for Center City Redevelopment, Saginaw Road Streetscape project. TISDALE

SUMMARY REPORT TO CITY MANAGER
for City Council meeting of March 16, 2020

SUBJECT: Support for a grant application to the United States Department of Agriculture for a Rural Business Development Grant to support pre-engineering work for Center City Redevelopment, Saginaw Road Streetscape project.

INITIATED BY: Selina Tisdale, Director of Community Affairs

RESOLUTION

SUMMARY: This resolution expresses council support for submission of a Rural Business Development Grant application to the United States Department of Agriculture for \$250,000 to be used for the purpose of pre-engineering work for Center City Redevelopment, Saginaw Road Streetscape project.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution



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March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland, Michigan

Dear Mr. Kaye:

In August 2019, Midland City Council approved the Center City Redevelopment Plan authorizing the Center City Authority (CCA) to proceed with phase one of the plan, a streetscape construction project on Saginaw Road from Dartmouth to Patrick Road.

As a brief review, phase one of the plan is a new streetscape along Saginaw Road from Dartmouth Drive to Patrick Road. Streetscape elements would include:

- the addition of eight-foot walkways along both sides of the project area to better facilitate walking and biking activities for the area;
- new statement lighting along the corridor to enhance both motorized and non-motorized traffic vision;
- street tree enhancements to enhance aesthetics along the corridor; and
- improved access management to consolidate traffic movements to and from businesses for the safety of pedestrians and motorists.

The total preliminary estimate for the first-phase of the project is \$4.6 million. The Center City Redevelopment Plan funding committee is busy identifying grants and funding opportunities to leverage the balance of the \$1 million grant given to the City of Midland by Dow in 2017 for economic initiatives in Center City.

The Redevelopment Plan funding committee has identified a United States Department of Agriculture (USDA) Rural Development Grant that would provide up to \$250,000 for pre-engineering and engineering level design work for the streetscape project. The grant request will reflect that a \$50,000 local contribution to this portion of the project will be available via the \$1 million grant given to the City of Midland for economic development initiatives in the Center City district.

The City of Midland is working with USDA Rural Development Specialist Jackie Morgan on the grant application. A motion of support must be rendered by the local governing authority to support this application submission. The attached resolution would provide said support.

Respectfully submitted,

Selina Crosby Tisdale
City of Midland Community Affairs Director



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BY COUNCILMAN

WHEREAS, a Center City Redevelopment Plan was adopted by Midland City Council in August 2019; and

WHEREAS, the first phase of this project includes a streetscape project along Saginaw Road from Dartmouth to Patrick Road; and

WHEREAS, the United States Department of Agriculture (USDA) has a Rural Development Grant that could provide up to \$250,000 in funding support for pre-engineering and engineering design level work for the Saginaw Road streetscape project; now therefore

RESOLVED, that Midland City Council hereby supports a grant application for a USDA Rural Development Grant for \$250,000 to be used for pre-engineering and engineering design work for the Saginaw Road Streetscape Project in the Center City district.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

11. 2020 Eastman Avenue Reconstruction; Contract No. 01. FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: 2020 Eastman Avenue Reconstruction; Contract No. 01

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: This resolution authorizes the Mayor and City Clerk to execute a contract with Crawford Contracting, Inc. in the amount of \$1,359,505.79 for street reconstruction on Eastman Avenue. This resolution also authorizes the City Manager to approve change orders in an aggregate amount not to exceed \$80,000.00.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location Map
4. Eastman Avenue Project Sketch

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



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March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On Tuesday, January 21, 2020 at 2:00 p.m., sealed proposals were publicly opened and read by the Accounting Manager for the "2020 Eastman Avenue Reconstruction; Contract No. 01" project.

The Consulting Engineer's Estimate was \$1,073,887.15. Bids were received as follows:

Crawford Contracting, Inc.	Mt. Pleasant	\$1,359,505.79
Malley Construction, Inc.	Mt. Pleasant	\$1,662,488.91

Funding for the 2020 Eastman Avenue Reconstruction project is provided by the Major Street Fund in fiscal year 2019/2020 budget. This contract is for the construction of a dedicated right turn lane and additional southbound through lane at the intersection of Airport Road, along with the street resurfacing of Eastman Avenue from Wackerly Street to Joe Mann Boulevard. This project was recommended by the Engineering Department and was approved by City Council during the annual Capital Improvement Plan process.

It is our recommendation that the low bid of \$1,359,505.79, submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan, be accepted in the best interest of the City of Midland.

At the February 24, 2020 meeting of City Council a public hearing was set for March 16, 2020 to amend the Major Street Fund budget. The amendment to the budget is to provide the additional needed funding for this Eastman Avenue construction project. The award of this contract should only be considered if the Major Street Fund budget amendment is approved.

Respectfully submitted,

Joshua N. Fredrickson
City Engineer

Christina Evans
Accounting Manager



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BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction on Eastman Avenue; and

WHEREAS, funding for this project is provided by the Major Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2020 Eastman Avenue Reconstruction; Contract No. 01" project, in the amount of \$1,359,505.79, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$80,000.00.

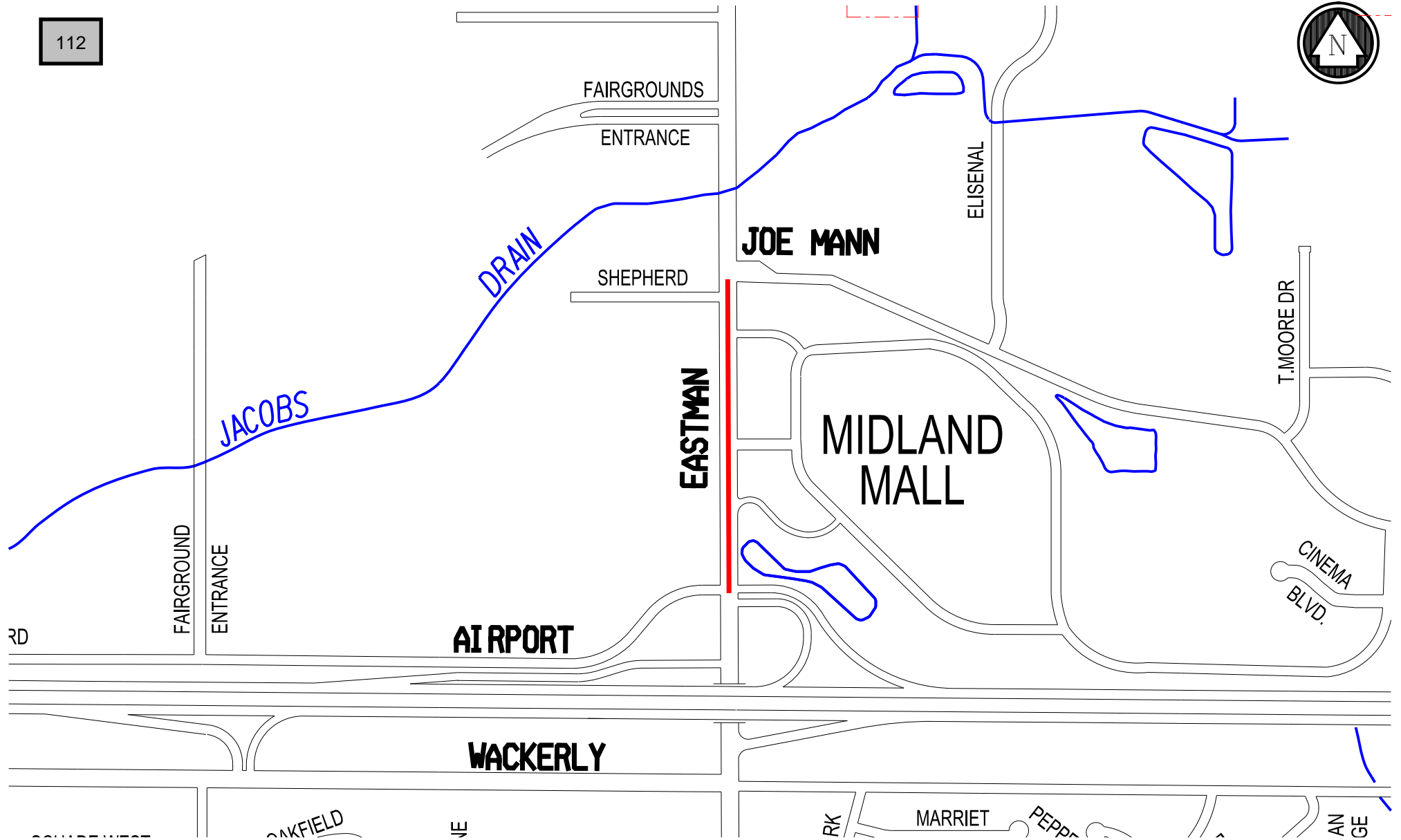
YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk



EASTMAN AVENUE RECONSTRUCTION

AIRPORT TO JOE MANN

113

AIRPORT

EASTMAN

US-10
RAMP

EASTMAN AVE RECONSTRUCTION

Item Attachment Documents:

12. 2020 Cambridge Street Reconstruction & Water Main; Contract No.
05. FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: 2020 Cambridge Street Reconstruction; Contract No. 05

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: This resolution authorizes the Mayor and City Clerk to execute a contract with Crawford Contracting, Inc. in the amount of \$914,663.50 for street reconstruction and water main replacement on Cambridge Street. This resolution also authorizes the City Manager to approve change orders in an aggregate amount not to exceed \$50,000.00.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location Map

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



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March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On Tuesday, February 18, 2020 at 2:00 p.m., sealed proposals were publicly opened and read by the Accounting Manager for the "2020 Cambridge Street Reconstruction & Water Main; Contract No. 05" project.

The City of Midland Engineer's Estimate was \$800,255.00. Bids were received as follows:

Crawford Contracting, Inc.	Mt. Pleasant	\$914,663.50
Johnston Contracting, Inc.	Midland	\$942,447.00
Rohde Brothers Excavating	Saginaw	\$995,342.00
Malley Construction, Inc.	Mt. Pleasant	\$1,018,576.00

Funding for the 2020 Cambridge Street Reconstruction & Water Main project is provided by the Water Fund and Major Street Fund in fiscal year 2019/2020 budget. This contract is for street reconstruction and the replacement of water main on Cambridge Street from Washington Street to Dartmouth Drive.

It is our recommendation that the low bid of \$914,663.50, submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan, be accepted in the best interest of the City of Midland.

This project was recommended by the Engineering Department and Water Department and the water main replacement was approved by City Council during the annual Capital Improvement Plan process. At the February 24, 2020 meeting of City Council a public hearing was set for March 16, 2020 to amend the Major Street Fund budget. The amendment to the budget is to provide the funding for street reconstruction portion of the Cambridge Street project. The award of this contract should only be considered if the Major Street Fund budget amendment is approved.

Respectfully submitted,

Joshua N. Fredrickson
City Engineer

Christina Evans
Accounting Manager



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BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction and water main replacement on Cambridge Street; and

WHEREAS, funding for this project is provided by the Water Fund and Major Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2020 Cambridge Street Reconstruction & Water Main; Contract No. 05" project, in the amount of \$914,663.50, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$50,000.00.

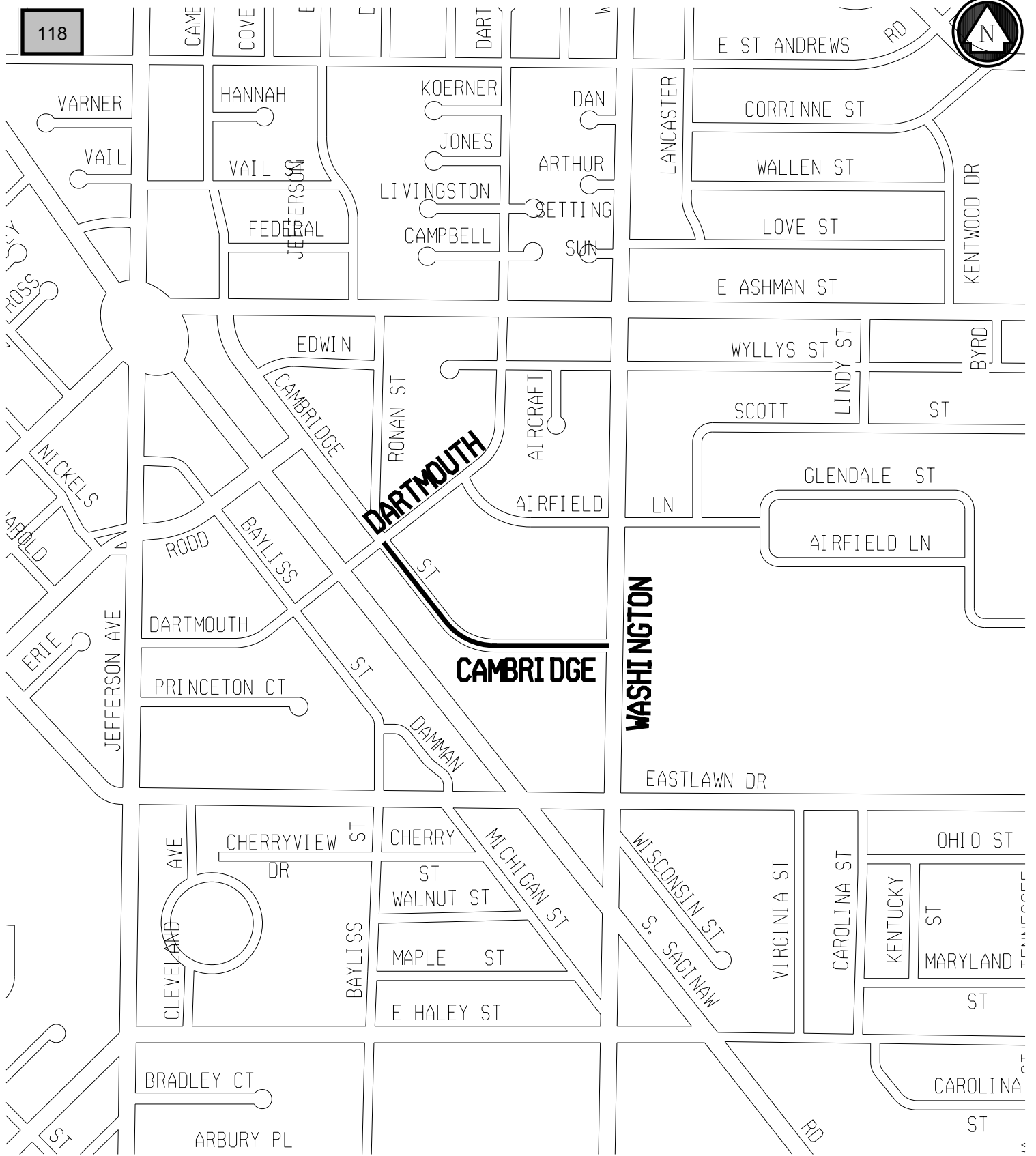
YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk



CONTRACT NO. 5 OF 2020

CAMBRIDGE ST. WATER IMPROVEMENT

DARTMOUTH TO WASHINGTON

Item Attachment Documents:

13. * Central Park Pickleball and Tennis Court project contract award. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Central Park Pickleball and Tennis Court project

INITIATED BY: Department of Public Services

RESOLUTION SUMMARY: This resolution awards a contract to Three Rivers Corporation of Midland, Michigan for the Central Park Pickleball and Tennis Court project. This resolution also authorizes the Accounting Manager to issue a purchase order in the amount of \$292,000.00 and authorizes the City Manager to approve change orders not to exceed a total of \$5,000.00.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Karen Murphy
City of Midland Department of Public Services



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March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On Tuesday, February 11, 2020, sealed proposals were publicly opened and read by the Accounting Manager for Bid No. 4067 “Central Park Accessible Pickleball and Tennis Facility”. Bids were received as follows:

	Total Bid Price
Three Rivers Corporation – Midland, MI	\$ 292,000.00
Sova Excavating & Trucking, Inc. – Midland, MI	\$ 302,275.05
J.R. Heineman & Sons, Inc. - Saginaw, MI	\$ 308,600.00
Sugar Construction, Inc. - Midland, MI	\$ 316,500.00
Crawford Contracting, Inc. – Mt. Pleasant, MI	\$ 349,060.00

The low bid submitted by Three Rivers Corporation of Midland, MI has been reviewed by project designer PMBlough, Inc. and appears to meet all specifications. The City has worked with Three Rivers on other park and community projects and is confident that Three Rivers can produce good results on this project based on past experience.

There are adequate funds committed to the project in FY 2019/20. It is therefore our recommendation that City Council award a contract to Three Rivers Corporation of Midland, Michigan and authorize the Accounting Manager to issue a purchase order in the amount of \$292,000.00 for the Central Park Pickleball and Tennis Court project. We further recommend that the City Manager be authorized to approve changes to the purchase order not to exceed a total of \$5,000.00 for any unforeseen issues that may arise over the course of the project.

Respectfully submitted,

Karen Murphy
Department of Public Services

Christina Evans
Finance Department



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BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4067, the Central Park Accessible Pickleball and Tennis Facility; and

WHEREAS, there are adequate funds committed to the project in FY 2019/20; now therefore

RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, with the low bidder, Three Rivers Corporation of Midland, Michigan for the project; and

RESOLVED FURTHER, that City Council authorizes the Accounting Manager to issue a purchase order to Three Rivers Corporation of Midland, Michigan in the amount of \$292,000.00 for construction of the Central Park Pickleball and Tennis Court project, all in accordance with the proposal and City specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an amount not to exceed \$5,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

14. * Grove Park renovation project contract award. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Grove Park renovation project

INITIATED BY: Department of Public Services

RESOLUTION SUMMARY: This resolution awards a contract to Gerber Construction Co., Inc. of Reed City, Michigan for the Grove Park renovation project. This resolution also authorizes the Accounting Manager to issue a purchase order in the amount of \$135,400.00 and authorizes the City Manager to approve change orders not to exceed a total of \$5,000.00.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Karen Murphy
City of Midland Department of Public Services



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March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On Tuesday, February 25, 2020, sealed proposals were publicly opened and read by the Accounting Manager for Bid No. 4071 “Grove Park Concrete Walks and Asphalt Basketball Court”. Bids were received as follows:

	Total Bid Price
Gerber Construction Co., Inc. – Reed City, MI	\$ 135,400.00
Three Rivers Corporation – Midland, MI	\$ 137,000.00
J & N Concrete, Inc. - Remus, MI	\$ 149,809.00
Sugar Construction, Inc. - Midland, MI	\$ 156,000.00
Sova Excavating & Trucking, Inc. – Midland, MI	\$ 166,832.50

The low bid submitted by Gerber Construction Co., Inc. of Reed City, MI has been reviewed by project designer PMBlough, Inc. and appears to meet all specifications. The City has not worked with Gerber Construction before, so PMBlough’s staff researched other projects completed by this contractor, discussed the project in detail with them and provided the City with a recommendation to award the bid to Gerber Construction based on their findings.

Adequate funds have been committed to the project in FY19/20. It is therefore our recommendation that City Council award a contract to Gerber Construction Co., Inc. of Reed City, Michigan and authorize the Accounting Manager to issue a purchase order in the amount of \$135,400.00 for the Grove Park renovation project. We further recommend that the City Manager be authorized to approve changes to the purchase order not to exceed a total of \$5,000.00 for any unforeseen issues that may arise over the course of the project.

Respectfully submitted,

Karen Murphy
Department of Public Services

Christina Evans
Finance Department



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BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4071 Grove Park Concrete Walks and Asphalt Basketball Court; and

WHEREAS, there are adequate funds committed to the project in FY 2019/20; now therefore

RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, with the low bidder, Gerber Construction Co., Inc. of Reed City, Michigan for the project; and

RESOLVED FURTHER, that City Council authorizes the Accounting Manager to issue a purchase order to Gerber Construction Co., Inc. of Reed City, Michigan in the amount of \$135,400.00 for Grove Park renovation project, all in accordance with the proposal and City specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an amount not to exceed \$5,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

15. * Design services for Landfill Cell 17. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Landfill – Cell 17 Design Update Services

INITIATED BY: Department of Public Services - Landfill

RESOLUTION SUMMARY: This resolution authorizes a purchase order in the amount of \$41,000.00 to CTI and Associates, Inc. of Novi, Michigan, to provide engineering design and regulatory update support for the development of future Landfill Cell 17.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution.

Karen Murphy
City of Midland Department of Public Services



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March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The City of Midland Landfill is highly regulated at the state level by the Michigan Department of Environment, Great Lakes and Energy (EGLE) and at the federal level by the Environmental Protection Agency (EPA). A key compliance area is landfill cell design.

In 1996, the original design specifications were created for Landfill Cells 14-19, with the first cell being built in 1998. As the time approaches for each subsequent cell to be built, the City seeks out design review services from a Landfill engineering consultant to be sure that the new cell will comply with ever-changing state and federal regulations, as well as to make any changes to the design that may optimize operations.

The City's current Landfill engineering consultant, CTI and Associates, Inc. (CTI) of Novi, Michigan, provided design review and improvements to keep up with regulatory and operational changes for both Cell 15 (2002) and Cell 16 (2007). CTI assists Landfill staff with routine engineering and compliance support as needed for all aspects of the Landfill's operation. CTI's staff has provided excellent service to the City for over 16 years and is a leader in the field in Michigan. Their team has thorough knowledge of state and federal landfill regulations along with a solid understanding of the City's landfill gas to energy operations.

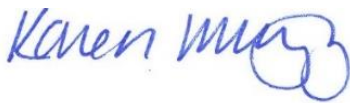
A design update for Cell 17 is scheduled for spring 2020, with construction of the cell planned for spring 2021. Once the design update is completed, the City is required to submit the update to EGLE for compliance review and approval prior to construction of the cell. CTI has provided a proposal to the Landfill to complete the design update and submit the required documents to EGLE for their approval at an estimated cost of \$41,000.00. Additional design and bid package support are planned in fiscal year 2021 and are therefore not included in this estimate.

The Landfill has a current purchase order in place with CTI for \$195,000 for general engineering and support services for FY2019/20. Staff recommends that a separate purchase order be established for the design update for Cell 17 for the purpose of tracking all expenses associated with the design and development of this new cell. Since the Landfill's current purchasing obligation to CTI exceeds administrative approval levels, staff needs City Council's approval in order to create the new purchase order for Cell 17 design work.

C. Bradley Kaye
March 11, 2020
Page Two

Given the great working history the Landfill has with CTI, staff recommends authorization of a purchase order to CTI and Associates, Inc. in the amount of \$41,000.00 for Landfill Cell 17 design update and coordination services with EGLE. Funding is available for this purpose in the FY 2019/20 Landfill's Capital Outlay budget.

Respectfully submitted,



Karen Murphy
Director of Public Services



Christina Evans
Accounting Manager



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BY COUNCILMAN

WHEREAS, the City of Midland Landfill is regulated by the Michigan Department of Environment, Great Lakes and Energy (EGLE) and the Environmental Protection Agency; and

WHEREAS, as new Landfill cells are scheduled for construction, the City needs to review and update the plans for each cell to ensure compliance with state and federal regulations as well as to make changes to optimize operational efficiencies; and

WHEREAS, the City currently works with Landfill engineering consultant, CTI and Associates, Inc. (CTI) of Novi, Michigan, on routine engineering and compliance support as well as future landfill cell review and design; and

WHEREAS, the City has been pleased with CTI's support and expertise for many years and benefits from their detailed knowledge of regulations and the City's landfill operation; and

WHEREAS, CTI has presented the Landfill with a proposal to provide design services and coordinate with EGLE on the design updates for future Landfill Cell 17 not to exceed \$41,000.00; and

WHEREAS, there are adequate funds budgeted in the FY 2019/20 Landfill's Capital Outlay budget and Section 2-19 of the Code of Ordinances for the City of Midland states that sealed proposals are not required for professional services;

WHEREAS, the Landfill has previous purchasing obligations in this fiscal year to CTI that exceed administrative approval levels making it necessary for City Council to approve any additional purchase orders with this vendor; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order not to exceed \$41,000.00 to CTI and Associates, Inc. of Novi, Michigan, to provide design update and coordination services with EGLE for Landfill Cell 17.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

16. * Purchase of an articulated off-road dump truck for the Landfill (4/5 vote required). MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Landfill – Approval to purchase an articulated off-road dump truck

INITIATED BY: Department of Public Services - Landfill

RESOLUTION SUMMARY: This resolution waives the requirement for sealed proposals and authorizes the purchase of a used articulated off-road dump truck for Landfill not to exceed \$160,000.00

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

1. 4/5 vote required to approve resolution.

Karen Murphy
City of Midland Department of Public Services



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The City of Midland Landfill is an active construction site that routinely requires hauling of various materials including clay, sand, stone and previously buried trash. Many areas of the site are becoming increasingly difficult to access with traditional tandem axle dump trucks.

As such, the Landfill uses a Caterpillar articulated off-road dump truck to traverse areas of difficult terrain. The Landfill has owned this unit since 1993, and while the annual hours of usage are generally low, availability of this unit is critical. Over the years the need for all-terrain access capabilities has become increasingly more important. The Landfill took a tandem axle dump truck out of service in 2018 when it became too costly to maintain, with the intention of upgrading to a used articulated truck. Purchasing a new truck would cost approximately \$400,000. Given the minimal usage that the Landfill puts on this unit each year, the Landfill Superintendent cannot justify the purchase of a new unit when a used unit will meet their needs at an estimated cost of \$160,000. Fleet Services has followed this model of purchasing used equipment for seasonal or low use operations in other departments, including a used water truck for summer horticulture needs and used rear packer refuse trucks for fall leaf collection. With thorough in-person inspection of the equipment prior to purchase, Fleet Services has had good results finding reliable, mechanically sound used units that meet City needs while saving significant money on the initial purchase price.

Staff is ready to proceed with the purchase at this time and funds are available in the FY 2019/20 Landfill Capital budget. The Landfill Superintendent has spoken with several Michigan vendors of used articulated trucks and is confident he can secure a good unit for the City. Purchasing a used truck is difficult to do through the City's formal bid process as the supply and availability of equipment changes regularly, with many vendors selling their used equipment via online bidding processes. Bidding is also impractical for used equipment due to the variability of age, hours of use and condition. Therefore we are requesting permission for the Landfill Superintendent to seek out a used articulated truck through local vendors or via online auctions. Staff will evaluate the selected unit for mechanical integrity before placing a bid or making an offer.

In accordance with Section 2-18 of the Code of Ordinances, we therefore request that City Council waive the requirement for competitive bids and authorize the Landfill staff to purchase a used articulated off-road dump truck either through a local vendor or via online auction not to exceed a total purchase price of \$160,000.00. Once the unit is identified and purchased, we will present a second resolution to City Council with the vendor's information and the exact pricing for formal approval after the fact.

Respectfully submitted,



Karen Murphy
Director of Public Services



Christina Evans
Accounting Manager



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BY COUNCILMAN

WHEREAS, the City of Midland Landfill is seeking a used articulated off-road dump truck to traverse difficult terrain on site; and

WHEREAS, the Landfill Superintendent is confident that he can secure a used truck via on-line auction that will meet the City's needs with a cost not to exceed \$160,000 based on research he has done to date; and

WHEREAS, there are adequate funds available in the FY2019-20 Landfill Capital budget to cover the cost of the unit; now therefore

RESOLVED, that the City Council hereby determines that sealed bids are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived; and

RESOLVED FURTHER, that City Council authorizes the purchase of a used articulated off-road dump truck not to exceed \$160,000 through the on-line auction process with formal approval of the purchase order to occur once the vendor is identified.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

17. * Water Service Fittings Bid No. 4081. SCHWARZ

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Water Distribution – Inventory Purchases Of Water Service Fittings, Bid No. 4081

INITIATED BY: Water Department

RESOLUTION

SUMMARY: This resolution accepts the bid submitted by Core and Main LP of Shelby Township, for inventory purchases of water service fittings, and authorizes a purchase order in an amount not to exceed \$72,013.59, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution.

Peter Schwarz
Director of Water Services



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The City’s Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system. As many of these items require immediate attention when discovered, it is necessary to have an inventory of fittings and parts available. Periodic solicitations for bids are necessary as prices for much of the Department’s inventory needs are only held by the vendor for a short period of time. This bid also includes the needed parts for this construction season’s water projects from July 1 through the end of the construction season.


On Tuesday, March 3, 2020, sealed bids were received and opened for Bid No. 4081, Water Service Fittings. The bids received were for 73 individual items, based on estimated quantities to be purchased. The following total bids were received.


Bidder	Total Bid
EJ USA Inc of East Jordon (incomplete bid)	\$46,966.60
Core and Main LP of Shelby Township	\$72,013.59
Michigan Pipe and Valve of Saginaw	\$73,359.05
Ferguson Waterworks of Flushing	\$74,839.31
ETNA Supply co. of Grand Rapids	\$77,468.90

The bid from EJ USA Inc of East Jordan is deemed incomplete as they only bid 31 of the 73 items. Therefore, staff considers the bid from Core and Main LP to be acceptable, and recommends award for inventory purchases of water service fittings from Water Enterprise Fund Inventory Account.

The attached resolution will authorize a purchase order to Core and Main LP of Shelby Township in the amount of \$72,013.59, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. A 3/5 vote is required to approve the resolution.

Sincerely,


Peter Schwarz
Director of Water Services


Christina Evans
Accounting Manager



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

BY COUNCILMAN

WHEREAS, the City’s Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system; and

WHEREAS, many of these items require immediate attention when discovered, so it is necessary to have an inventory of fittings and parts available; and

WHEREAS, this bid includes all the necessary fittings for this construction season’s water projects; and

WHEREAS, sealed bids for Bid No. 4081 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff considers the bid received from Core and Main LP of Shelby Township to be acceptable, and recommends award for inventory purchases of water service fittings; and

WHEREAS, the purchases will be made from Water Enterprise Fund Inventory Account; now therefore

RESOLVED, that a purchase order is hereby authorized to Core and Main LP of Shelby Township in the amount of \$72,013.59 for inventory purchases of water service fittings; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a ye vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk

Item Attachment Documents:

18. * Conditional Use Permit No. 67 - action to set a public hearing for the request of Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W Wackerly Street. MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Conditional Use Permit No. 67

INITIATED BY: Benjamin Hayes

RESOLUTION

SUMMARY: This resolution will set a public hearing to consider a request from Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report
4. Planning Commission minutes
5. Location maps

CITY COUNCIL ACTION:

1. Public hearing is required. Date: April 13, 2020
2. Advertising date: March 28, 2020
3. Public Hearing notification to area residents mail date: March 27, 2020
4. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, March 10, 2020, the Planning Commission held a public hearing for Conditional Use Permit No. 67 the request from Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street.

Conditional Use Permit petitions are subject to both non-discretionary (site plan) and discretionary standards. Discretionary standards are found in Section 28.03B of the City's zoning ordinance and are to be determined by the City Council during deliberation on the petition. They include: protection of public health, safety and general welfare, compatibility with surrounding land uses, detrimental effects, impact of traffic, adequacy of public services, protection of site characteristics, compatibility with natural environment, compatibility with the Master Plan and intent of Zoning Ordinance and public comments.

Conditional Use Permit No. 67 was recommended for approval by City Planning Staff for reasons outlined in the staff report attached hereto. After the public hearing and deliberation on the request, it was moved by Sajbel and seconded by Rodgers that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 67.

Vote on the Motion:

YEAS: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
NAYS: None
ABSENT: Heying and Mayville

Motion approved by a vote of 7 to 0.

No written comments were received ahead of the meeting and no comments were heard during the public hearing on this request. Attached for consideration is a resolution to set a public hearing for April 13, 2020 to consider final approval of this request.

Sincerely,

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, Benjamin Hayes has submitted a request for a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street; and

WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on February 21, 2020 and publishing said notice on February 22, 2020 of the proposed public hearing on March 10, 2020; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that a public hearing will be held by the City Council on April 13, 2020, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a Conditional Use Permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before March 27, 2020 and to publishing said notice by March 28, 2020.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk



Report No. CUP #67

Date: March 3, 2020

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit #67

APPLICANT: Benjamin Hayes

PROPOSED: Single Family Residential use in OS Office Service

LOCATION: 2905 W Wackerly

AREA: 0.88 acres

ZONING: OS Office Service

ADJACENT ZONING: North: OS Office Service & NC Neighborhood Commercial
East: OS Office Service & RA-4 One & Two Family Residential
South: RA-1 Single Family Residential
West: RA-4 One & Two Family Residential

ADJACENT DEVELOPMENT: North: Single family residential and office
East: Dental office & duplex condominiums
South: Single family residential
West: Duplex condominiums

BACKGROUND

Conditional Use Permit No. 67 is a request from Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W Wackerly Street.

The subject parcel is zoned OS Office Service by the City of Midland Zoning Ordinance.

CONDITIONAL USE PERMIT EVALUATION

Article 28.00 of the City of Midland Zoning Ordinance requires that the Planning Commission shall review the application for a conditional land use according to the procedures in this Article, together with the public hearing findings and reports and recommendations from the Planning and Community Development staff, City Engineering Department, Midland County Road Commission, Midland County Health Department, Midland County Drain Commissioner, Fire Department, City of Midland City Police Department and other reviewing agencies. The Planning Commission shall then make a recommendation to the City Council, solely based on the requirements and standards of this Ordinance. The Planning Commission shall submit to the City Council a written recommendation of approval, denial, or approval with conditions

within forty-five (45) days of the close of the public hearing required for a conditional land use proposal.

Approval of a conditional land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 27.00, applicable site development standards for specific uses set forth in Article 9.00, and the following standards:

A. Non-Discretionary Standards

1. The conditional land use shall be in accord with the provisions of the Zoning Ordinance of the City of Midland. The specific criterion for each of the ordinance sections is outlined below.
2. Compliance with all of the standards in Section 27.06(A).
 - a. **Adequacy of Information**
All required information related to this proposal are contained within the materials provided by the applicant.
 - b. **Site Design Characteristics**
The existing single-family residential home is located in the middle of the property with the front facing to the north. The existing detached garage is facing south and is to the east of the residential home.
 - c. **Landscaping**
The site contains a multitude of mature trees and other landscaping common to single-family residential. The City does not regulate landscaping of single-family homes.
 - d. **Compliance with District Regulations**
The site meets all dimensional regulations.
 - e. **Preservation of Natural Features**
The multitude of existing mature trees are to be retained as part of this proposal.
 - f. **Privacy**
This proposal does not include privacy screening. Single family residential structures are not required to provide any privacy screening.
 - g. **Ingress and Egress**
This proposal does not seek to change the existing means of vehicular ingress or egress. The current layout is seen as adequate for ingress and egress.
 - h. **Pedestrian Circulation**
The existing sidewalk provisions are seen as adequate for this property.
 - i. **Vehicular Circulation**
Vehicular circulation remains unchanged by this proposal and will remain adequate for the use.

j. Parking

Parking remains unchanged by this proposal and is seen as adequate for the use.

k. Drainage

No drainage concerns were identified in the review of this proposal.

l. Soil Erosion & Sedimentation Control

A soil erosion and sedimentation control permit application will not be necessary.

m. Exterior Lighting

No additional lighting is proposed within this request.

n. Public Services

No additional public services would be required as a result of this request.

o. Screening

Additional screening is not required or proposed as a part of this request.

p. Sequence of development

No new development is required as part of this proposal.

q. Coordination with adjacent sites

The application impacts only the subject property.

r. Signs

No additional signage is proposed.

3. Access to the proposed development shall be in accordance with applicable city ordinances.

The site will be accessed from an existing driveway unaffected by this request.

4. Adequate provision is made for fire protection within the site in accordance with Chapter 8 of the Code of Ordinances of the City of Midland.

Adequate access and provisions are adequate for fire protection.

B. Discretionary Standards *(To be determined by the Planning Commission during deliberation on the request)***1. Protection of the Public Health, Safety, and General Welfare**

The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

2. Compatibility With Surrounding Uses

The conditional use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district and adjacent districts. In determining whether this requirement has been met, consideration shall be given by the Planning Commission to the following issues:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses. Any proposed building shall be compatible with the predominant type of building in the particular district in terms of size, character, location or proposed use.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a conditional land use.
- f. Hours of operation shall be compatible with the surrounding neighborhood.

3. **Detrimental Effects**

The proposed conditional land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

4. **Impact of Traffic**

The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, the Planning Commission shall give consideration to the following:

- a. Proximity and access to major thoroughfares and other public streets.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

5. **Adequacy of Public Services**

The proposed conditional land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional land use is established.

6. **Protection of Site Characteristics**

The conditional use shall preserve and incorporate the site's important architectural, natural and scenic features into the development design.

7. Compatibility with Natural Environment

The proposed conditional land use shall be compatible with the natural environment and conserve natural resources and energy, and cause minimal adverse environmental effects.

8. Compatibility with the Master Plan and Intent of Zoning Ordinance

The proposed conditional land use shall be consistent with the general principles and objectives of the City's Master Plan and shall promote the intent and purpose of this Ordinance and of the use district.

9. Public Comments

No public comments have been received ahead of this report.

STAFF RECOMMENDATION

The OS Office Service District is intended to accommodate administrative and professional offices. The OS district may serve as a transition between single-family residential and more intensive development. Within the OS district, single-family homes are permitted only through the issuance of a conditional use permit. This subjective review means that there are instances in the city where a single-family residential unit makes sense in an OS district and there are instances where one would not.

Upon careful review of the request and the surrounding context, staff is supportive of the issuance of a conditional use permit for the single family home. Staff believes that this proposal adequately addresses both the non-discretionary and the discretionary standards that are part of this evaluation.

If granted, staff recommends approval of the request for the following reasons:

1. Conditional use permits require the evaluation of the objective criteria in this report. This development meets all of the objective criteria.
2. Conditional use permits also allow an evaluation of the subjective criteria listed in this report. This development meets all of the subjective criteria.
3. The proposed use would not be detrimental to the general welfare of the adjacent parcels.

Contingencies:

No contingencies have been identified in the review of this request.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this plan at their March 10, 2020 meeting. If the Planning Commission is satisfied that all required information is available and no additional concerns are identified through the public hearing process, a recommendation to the City Council may then be formulated. If a recommendation is made following the public hearing at that time, on March 16, 2020 the City Council will set a public hearing on this matter. Provided both actions take place, and given statutory notification and publication requirements, the City Council hearing will be scheduled for April 13, 2020. Please note that these dates are preliminary and may be adjusted due to Planning

Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is fluid and cursive, with the first name "Grant" and last name "Murschel" clearly distinguishable.

Grant Murschel
Director of Planning & Community Development

GRM/rmg

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, MARCH 10, 2020 7:00 P.M.,
LAW ENFORCEMENT CENTER MULTI PURPOSE ROOM
2727 RODD STREET, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Vice Chairman Hanna.
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.
3. Roll Call

PRESENT: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

ABSENT: Heying and Mayville

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Rachel Guentensberger, Administrative Assistant; and four (4) others

4. **Approval of Minutes**

Broderick made a motion to approve the minutes of the regular meeting of February 11, 2020 with noted correction on page 3, seconded by Rodgers. Motion carries 7-0.

5. **Public Hearings**

- a. Conditional Use Permit No 67. - initiated by Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street.

Murschel gave the staff presentation for Conditional Use Permit No 67.

Benjamin Hayes, 2905 W. Wackerly Street, stated that he has no plans to change or drastically improve the property, his intent is to have it remain a single family home but needs the home to be legally compliant in order for him to refinance the mortgage.

Comments in support – None.

Comments in opposition – None.

Hanna closed the public hearing.

Sajbel made a motion to waive the rules of procedure and render a decision this evening, seconded by Pnacek. Motion carries 7-0.

Sajbel made a motion to recommend approval of Conditional Use Permit No. 67 as proposed. The motion was seconded by Rodgers.

Yeas: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

- b. Conditional Use Permit No 68. - initiated by Midland County Habitat for Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street

Murschel gave the staff presentation for Conditional Use Permit No 68.

Petitioners Jennifer Chappel and Eric Ostrander both with Midland County Habitat for Humanity:

Chappel gave an overview of petition. She also referenced previous Conditional Use Permits for the same type of project in the area of the proposed site. Bain questioned Mr. Ostrander about possible drainage issues on the parcel. Ostrander shared that he has begun consultation with the Engineering Department and they do not anticipate any issues with drainage.

One (1) written comment was received indicating no objection to the proposed.

Comments in support – None.

Comments in opposition – None.

Hanna closed the public hearing.

Pnacek made a motion to waive the rules of procedure and render a decision this evening, seconded by Bain. Motion carries 7-0.

Rodgers made a motion to recommend approval of Conditional Use Permit No. 68 as proposed, seconded by Sajbel.

Yeas: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

6. **Old Business** – None.

7. **Public Comments** (unrelated to items on the agenda) – None.

8. **New Business** – None.

9. **Communications** – None.

10. **Report of the Chairperson** - None.

11. **Report of the Planning Director** - None.

12. **Items for Next Agenda – March 24, 2020**

a. **Zoning Petition No. 630** - a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential.

b. **Site Plan No. 398** - initiated by Fashion Square Investments, LLC for site plan review and approval of a 9,000 square foot oral surgery medical clinic and office located at 5220 Eastman Avenue.

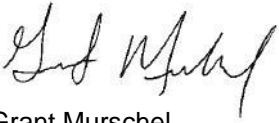
c. **Site Plan No. 399** - initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive.

d. Site Plan Review Process Further Details

13. Adjournment

It was moved by Pnacek and seconded by Sajbel to adjourn at 7:26 p.m. Motion passed unanimously.

Respectfully submitted,

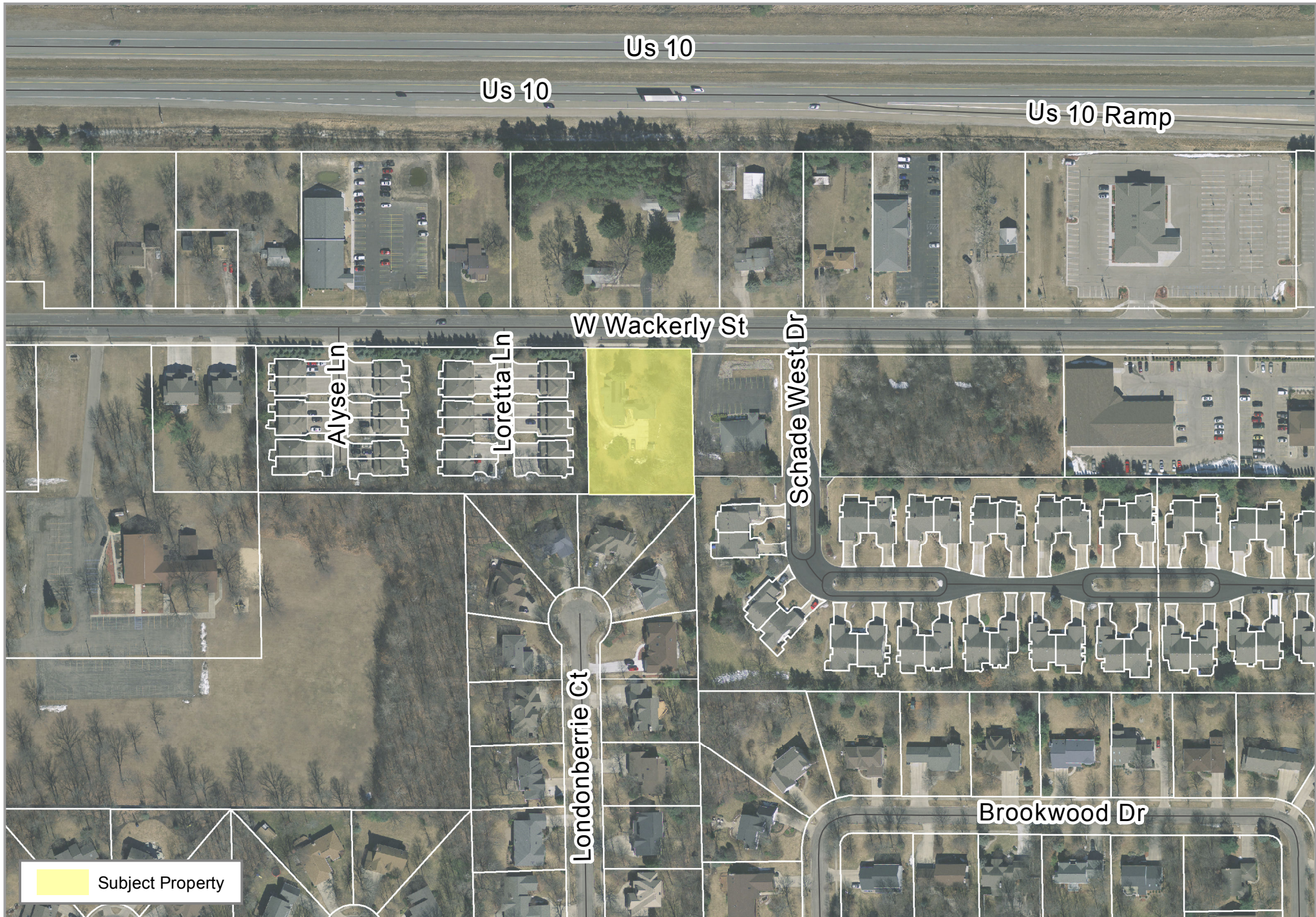


Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

CUP #67 | B Hayes

> 2154 W. Wackerly Street



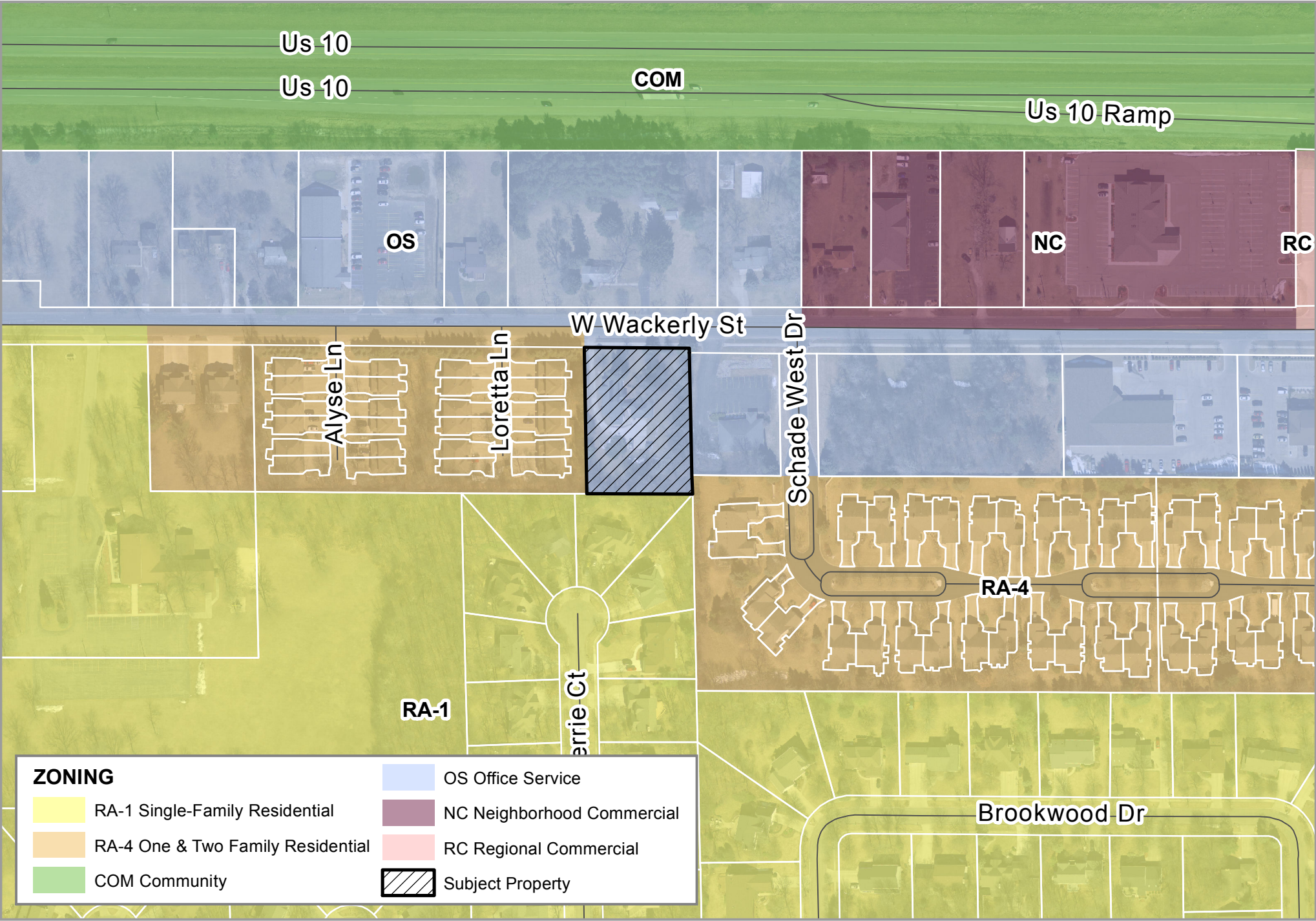
CUP #67 | B Hayes

> 2 **155** W. Wackerly Street



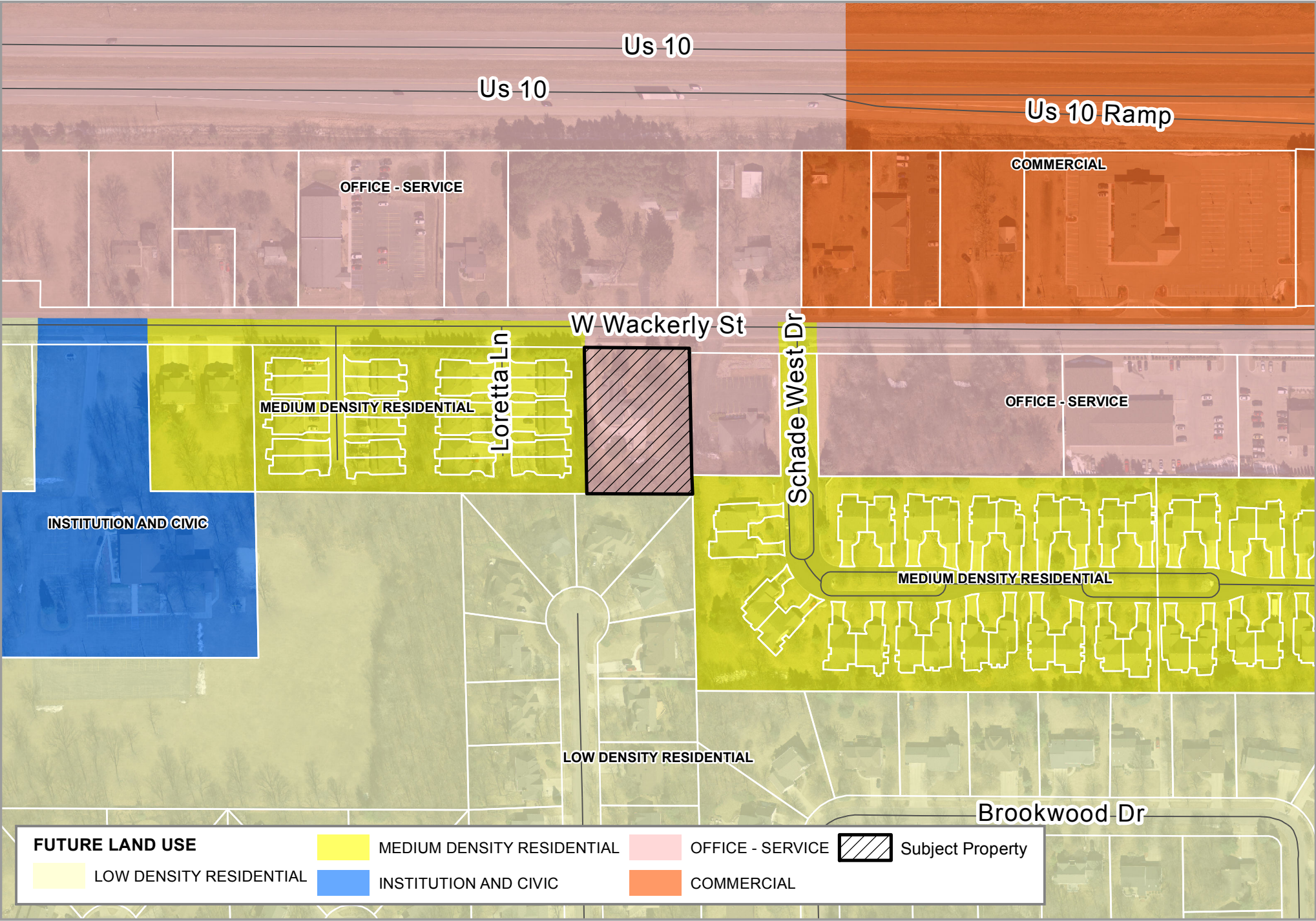
CUP #67 | B Hayes

> 2156 W. Wackerly Street



CUP #67 | B Hayes

> 2157 W. Wackerly Street



Item Attachment Documents:

19. * Conditional Use Permit No. 68 - action to set a public hearing for the request of Midland County Habitat of Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street. MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: Conditional Use Permit No. 68

INITIATED BY: Midland County Habitat for Humanity

RESOLUTION

SUMMARY: This resolution will set a public hearing to consider a request from the Midland County Habitat for Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report
4. Planning Commission minutes
5. Location maps
6. Site Plan
7. Communication

CITY COUNCIL ACTION:

1. Public hearing is required. Date: April 13, 2020
2. Advertising date: March 28, 2020
3. Public Hearing notification to area residents mail date: March 27, 2020
4. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, March 10, 2020, the Planning Commission held a public hearing for Conditional Use Permit No. 68 the request of Midland County Habitat for Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple Family Residential zoning district. The property is located at 311 Sam Street.

Conditional Use Permit petitions are subject to both non-discretionary (site plan) and discretionary standards. Discretionary standards are found in Section 28.03B of the City's zoning ordinance and are to be determined by the City Council during deliberation on the petition. They include: protection of public health, safety and general welfare, compatibility with surrounding land uses, detrimental effects, impact of traffic, adequacy of public services, protection of site characteristics, compatibility with natural environment, compatibility with the Master Plan and intent of Zoning Ordinance and public comments.

Conditional Use Permit No. 68 was recommended for approval by City Planning Staff for reasons outlined in the staff report attached hereto. After the public hearing and deliberation on the request, it was moved by Rodgers and seconded by Sajbel that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 68.

Vote on the Motion:

YEAS: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
NAYS: None
ABSENT: Heying and Mayville

Motion approved by a vote of 7 to 0.

One written comment indicating no objection was received ahead of the meeting. No comments were heard during the public hearing on this request. Attached for consideration is a resolution to set a public hearing for April 13, 2020 to consider final approval of this request.

Sincerely,

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the Midland County Habitat for Humanity has submitted a request for a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street; and

WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on February 21, 2020 and publishing said notice on February 22, 2020 of the proposed public hearing on March 10, 2020; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that a public hearing will be held by the City Council on April 13, 2020, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a conditional use permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before March 27, 2020 and to publishing said notice by March 28, 2020.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020.

Selina Tisdale, Deputy City Clerk



Report No. CUP #68

Date: March 3, 2020

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit #68

APPLICANT: Midland County Habitat of Humanity

PROPOSED: Single Family Residential use in an RB Multiple-Family Zoning District

LOCATION: 311 Sam Street

AREA: 0.70 acres

ZONING: RB Multiple-Family Residential

ADJACENT ZONING: North: RB Multiple-Family Residential
East: RB Multiple-Family Residential
South: RB Multiple-Family Residential
West: RB Multiple-Family Residential

ADJACENT DEVELOPMENT: North: Single-family residential
East: Single-family residential
South: Single-family residential
West: Multiple-family residential

BACKGROUND

Conditional Use Permit No. 68 is a request from the Midland County Habitat of Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street. The applicant is unsure if a three- or four-bedroom home would be constructed as that relates to the future client that the organization would work with; as such, site plans for both a three- and a four-bedroom home have been included.

The subject parcel is zoned RB Multiple-Family by the City of Midland Zoning Ordinance.

CONDITIONAL USE PERMIT EVALUATION

Article 28.00 of the City of Midland Zoning Ordinance requires that the Planning Commission shall review the application for a conditional land use according to the procedures in this Article, together with the public hearing findings and reports and recommendations from the Planning and Community Development staff, City Engineering Department, Midland County Road Commission, Midland County Health Department, Midland County Drain Commissioner, Fire Department, City of Midland City Police Department and other reviewing agencies. The Planning Commission shall then make a recommendation to the City Council, solely based on

the requirements and standards of this Ordinance. The Planning Commission shall submit to the City Council a written recommendation of approval, denial, or approval with conditions within forty-five (45) days of the close of the public hearing required for a conditional land use proposal.

Approval of a conditional land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 27.00, applicable site development standards for specific uses set forth in Article 9.00, and the following standards:

A. Non-Discretionary Standards

1. The conditional land use shall be in accord with the provisions of the Zoning Ordinance of the City of Midland. The specific criterion for each of the ordinance sections is outlined below.
2. Compliance with all of the standards in Section 27.06(A).
 - a. **Adequacy of Information**
All required information related to this proposal are contained within the materials provided by the applicant.
 - b. **Site Design Characteristics**
The proposed home is located near the frontage with Sam Street, leaving the rear of the property open as a rear yard.
 - c. **Landscaping**
The City does not regulate landscaping on single-family homes; however, it is understood that the final build will include some landscaping similar to other Habitat for Humanity homes across the city.
 - d. **Compliance with District Regulations**
The proposal, both the three-bedroom and four-bedroom layouts, meet all dimensional and other district regulations.
 - e. **Preservation of Natural Features**
The portion of the site proposed to be utilized is near the Sam Street frontage. As such, the existing mature trees that exist in the rear of the property are proposed to be retained.
 - f. **Privacy**
This proposal does not include privacy screening. Privacy screening is not regulated by the City for single-family residential use.
 - g. **Ingress and Egress**
Ingress and egress is proposed to be accommodated via a new residential driveway and a sidewalk connection to the driveway. There are no public sidewalks along Sam Street.
 - h. **Pedestrian Circulation**
Pedestrian access and circulation is proposed to be accommodated via the front

sidewalk leading to the porch from the driveway. Pedestrian access will also be available around the proposed home.

i. Vehicular Circulation

Vehicular circulation will be accommodated via the proposed residential driveway.

j. Parking

Parking is proposed to be accommodated via the driveway and the attached garage.

k. Drainage

No drainage concerns were identified in the review of this proposal. The home will be required to provide adequate lot drainage as part of the building permit review.

l. Soil Erosion & Sedimentation Control

A soil erosion and sedimentation control permit application will not be necessary.

m. Exterior Lighting

No additional lighting is proposed within this request.

n. Public Services

No additional public services would be required as a result of this request.

o. Screening

Additional screening is not required or proposed as a part of this request.

p. Sequence of development

The development is intended to be completed in one phase.

q. Coordination with adjacent sites

The application impacts only the subject property.

r. Signs

No additional signage is proposed.

3. Access to the proposed development shall be in accordance with applicable city ordinances.

The site will be accessed from an existing driveway unaffected by this request.

4. Adequate provision is made for fire protection within the site in accordance with Chapter 8 of the Code of Ordinances of the City of Midland.

Adequate access and provisions are adequate for fire protection.

B. Discretionary Standards *(To be determined by the Planning Commission during deliberation on the request)*

1. Protection of the Public Health, Safety, and General Welfare

The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

2. **Compatibility With Surrounding Uses**

The conditional use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district and adjacent districts. In determining whether this requirement has been met, consideration shall be given by the Planning Commission to the following issues:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses. Any proposed building shall be compatible with the predominant type of building in the particular district in terms of size, character, location or proposed use.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a conditional land use.
- f. Hours of operation shall be compatible with the surrounding neighborhood.

3. **Detrimental Effects**

The proposed conditional land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

4. **Impact of Traffic**

The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, the Planning Commission shall give consideration to the following:

- a. Proximity and access to major thoroughfares and other public streets.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

5. **Adequacy of Public Services**

The proposed conditional land use shall be located so as to be adequately served by

essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional land use is established.

6. Protection of Site Characteristics

The conditional use shall preserve and incorporate the site's important architectural, natural and scenic features into the development design.

7. Compatibility with Natural Environment

The proposed conditional land use shall be compatible with the natural environment and conserve natural resources and energy, and cause minimal adverse environmental effects.

8. Compatibility with the Master Plan and Intent of Zoning Ordinance

The proposed conditional land use shall be consistent with the general principles and objectives of the City's Master Plan and shall promote the intent and purpose of this Ordinance and of the use district.

9. Public Comments

One (1) public comment has been received at the time of this report indicating no objection.

STAFF RECOMMENDATION

The RB Multiple-Family District is intended to address the varied housing needs of residents by providing for housing at a high density than is permitted in any of the single- or two-family residential district. Upon careful review of the request and the surrounding context, including the recent construction of other single-family homes on the abutting lots, staff is supportive of the issuance of a conditional use permit. Staff believes that this proposal adequately addresses both the non-discretionary and the discretionary standards that are part of this evaluation.

If granted, staff recommends approval of the request for the following reasons:

1. Conditional use permits require the evaluation of the objective criteria in this report. This development meets all of the objective criteria.
2. Conditional use permits also allow an evaluation of the subjective criteria listed in this report. This development meets all of the subjective criteria.
3. The proposed use would not be detrimental to the general welfare of the adjacent parcels.

Contingencies:

No contingencies have been identified in the review of this request.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this plan at their March 10, 2020 meeting. If the Planning Commission is satisfied that all required

information is available and no additional concerns are identified through the public hearing process, a recommendation to the City Council may then be formulated. If a recommendation is made following the public hearing at that time, on March 16, 2020 the City Council will set a public hearing on this matter. Provided both actions take place, and given statutory notification and publication requirements, the City Council hearing will be scheduled for April 13, 2020. Please note that these dates are preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Grant Murschel".

Grant Murschel
Director of Planning & Community Development

GRM/rmg

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, MARCH 10, 2020 7:00 P.M.,
LAW ENFORCEMENT CENTER MULTI PURPOSE ROOM
2727 RODD STREET, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Vice Chairman Hanna.
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.
3. Roll Call

PRESENT: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers

ABSENT: Heying and Mayville

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Rachel Guentensberger, Administrative Assistant; and four (4) others

4. **Approval of Minutes**

Broderick made a motion to approve the minutes of the regular meeting of February 11, 2020 with noted correction on page 3, seconded by Rodgers. Motion carries 7-0.

5. **Public Hearings**

- a. Conditional Use Permit No 67. - initiated by Benjamin Hayes to approve a Conditional Use Permit for a single family residential use in an OS Office Service zoning district. The property is located at 2905 W. Wackerly Street.

Murschel gave the staff presentation for Conditional Use Permit No 67.

Benjamin Hayes, 2905 W. Wackerly Street, stated that he has no plans to change or drastically improve the property, his intent is to have it remain a single family home but needs the home to be legally compliant in order for him to refinance the mortgage.

Comments in support – None.

Comments in opposition – None.

Hanna closed the public hearing.

Sajbel made a motion to waive the rules of procedure and render a decision this evening, seconded by Pnacek. Motion carries 7-0.

Sajbel made a motion to recommend approval of Conditional Use Permit No. 67 as proposed. The motion was seconded by Rodgers.

Yeas: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

- b. Conditional Use Permit No 68. - initiated by Midland County Habitat for Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street

Murschel gave the staff presentation for Conditional Use Permit No 68.

Petitioners Jennifer Chappel and Eric Ostrander both with Midland County Habitat for Humanity:

Chappel gave an overview of petition. She also referenced previous Conditional Use Permits for the same type of project in the area of the proposed site. Bain questioned Mr. Ostrander about possible drainage issues on the parcel. Ostrander shared that he has begun consultation with the Engineering Department and they do not anticipate any issues with drainage.

One (1) written comment was received indicating no objection to the proposed.

Comments in support – None.

Comments in opposition – None.

Hanna closed the public hearing.

Pnacek made a motion to waive the rules of procedure and render a decision this evening, seconded by Bain. Motion carries 7-0.

Rodgers made a motion to recommend approval of Conditional Use Permit No. 68 as proposed, seconded by Sajbel.

Yeas: Bain, Hanna, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

6. **Old Business** – None.

7. **Public Comments** (unrelated to items on the agenda) – None.

8. **New Business** – None.

9. **Communications** – None.

10. **Report of the Chairperson** - None.

11. **Report of the Planning Director** - None.

12. **Items for Next Agenda – March 24, 2020**

a. **Zoning Petition No. 630** - a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential.

b. **Site Plan No. 398** - initiated by Fashion Square Investments, LLC for site plan review and approval of a 9,000 square foot oral surgery medical clinic and office located at 5220 Eastman Avenue.

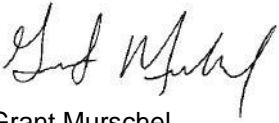
c. **Site Plan No. 399** - initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive.

d. Site Plan Review Process Further Details

13. Adjournment

It was moved by Pnacek and seconded by Sajbel to adjourn at 7:26 p.m. Motion passed unanimously.

Respectfully submitted,

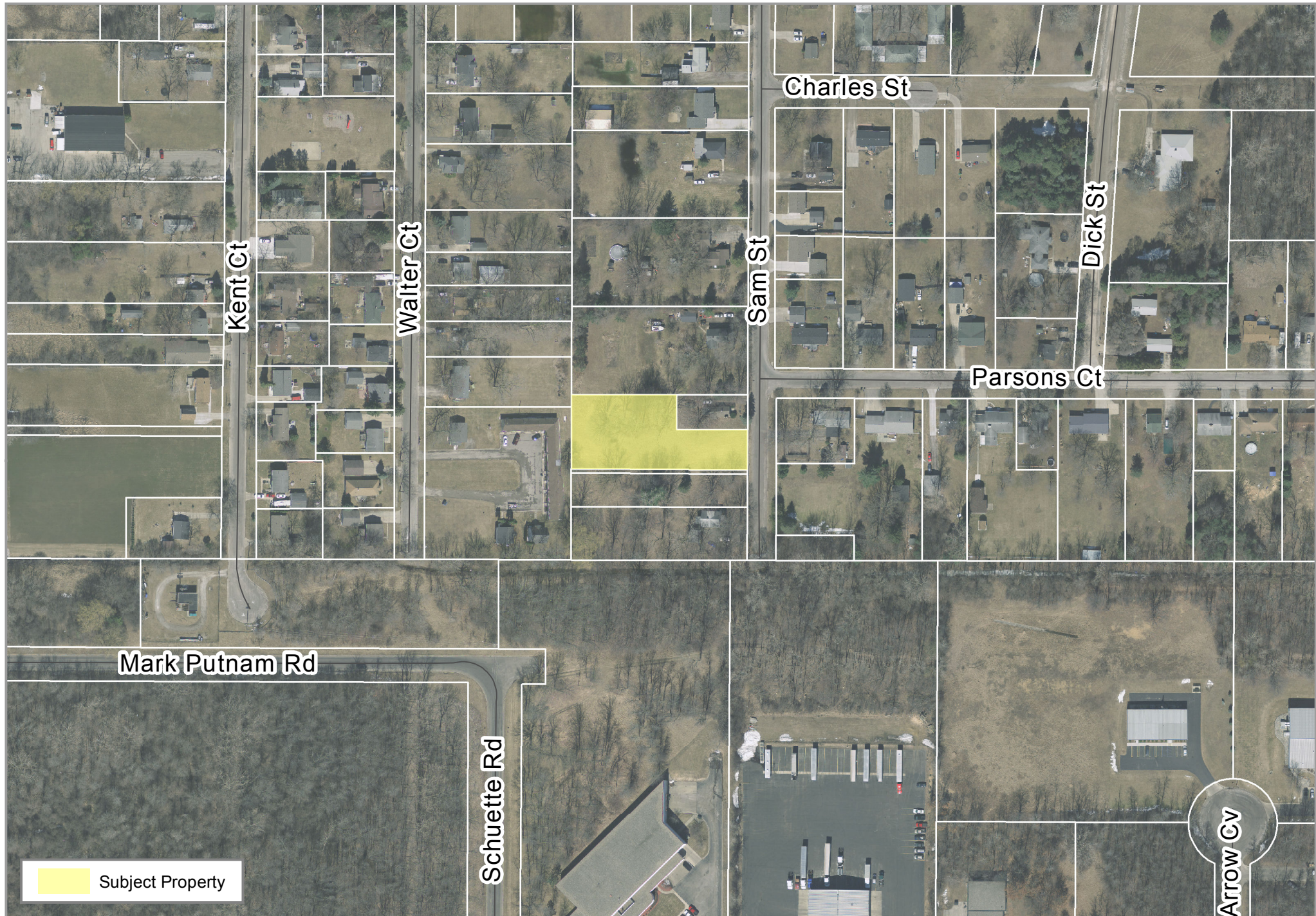
A handwritten signature in black ink, appearing to read "Grant Murschel".

Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

CUP #68 | Midland County Habitat for Humanity

> 3171 Sam Street




CUP #68 | Midland County Habitat for Humanity

> 3172 Sam Street



Parsons Ct

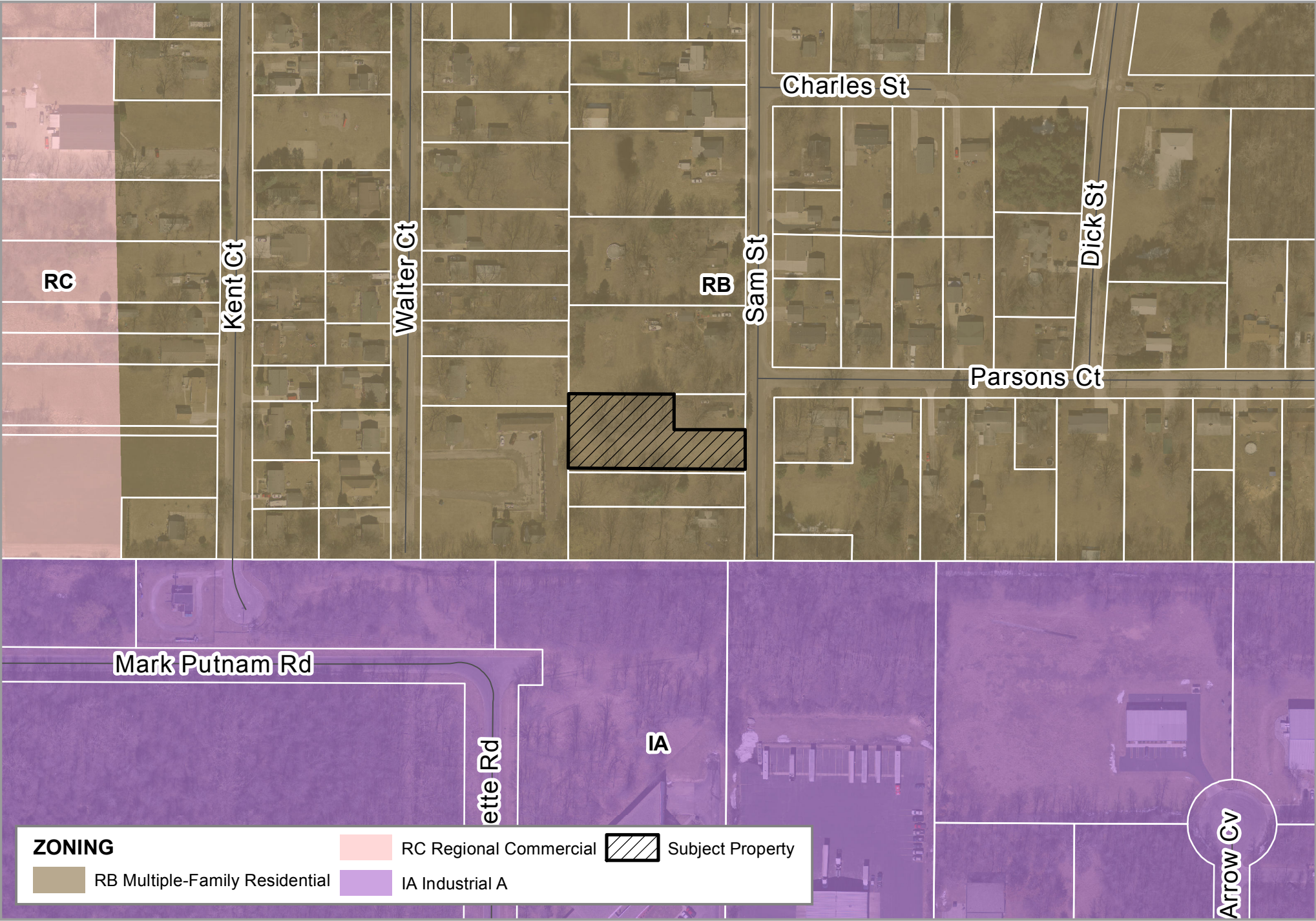
Sam St

 Subject Property

CUP #68 | Midland County Habitat for Humanity

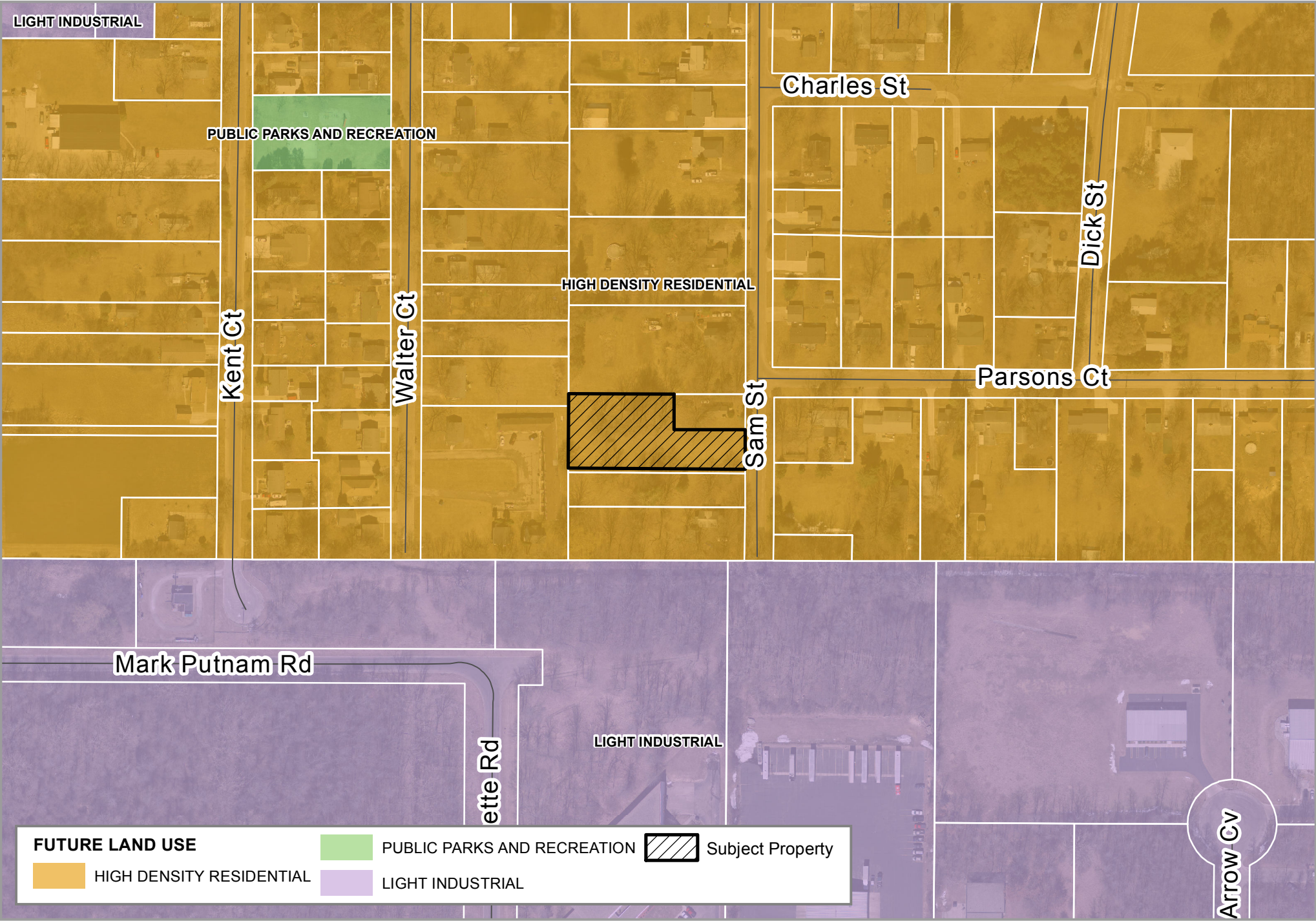


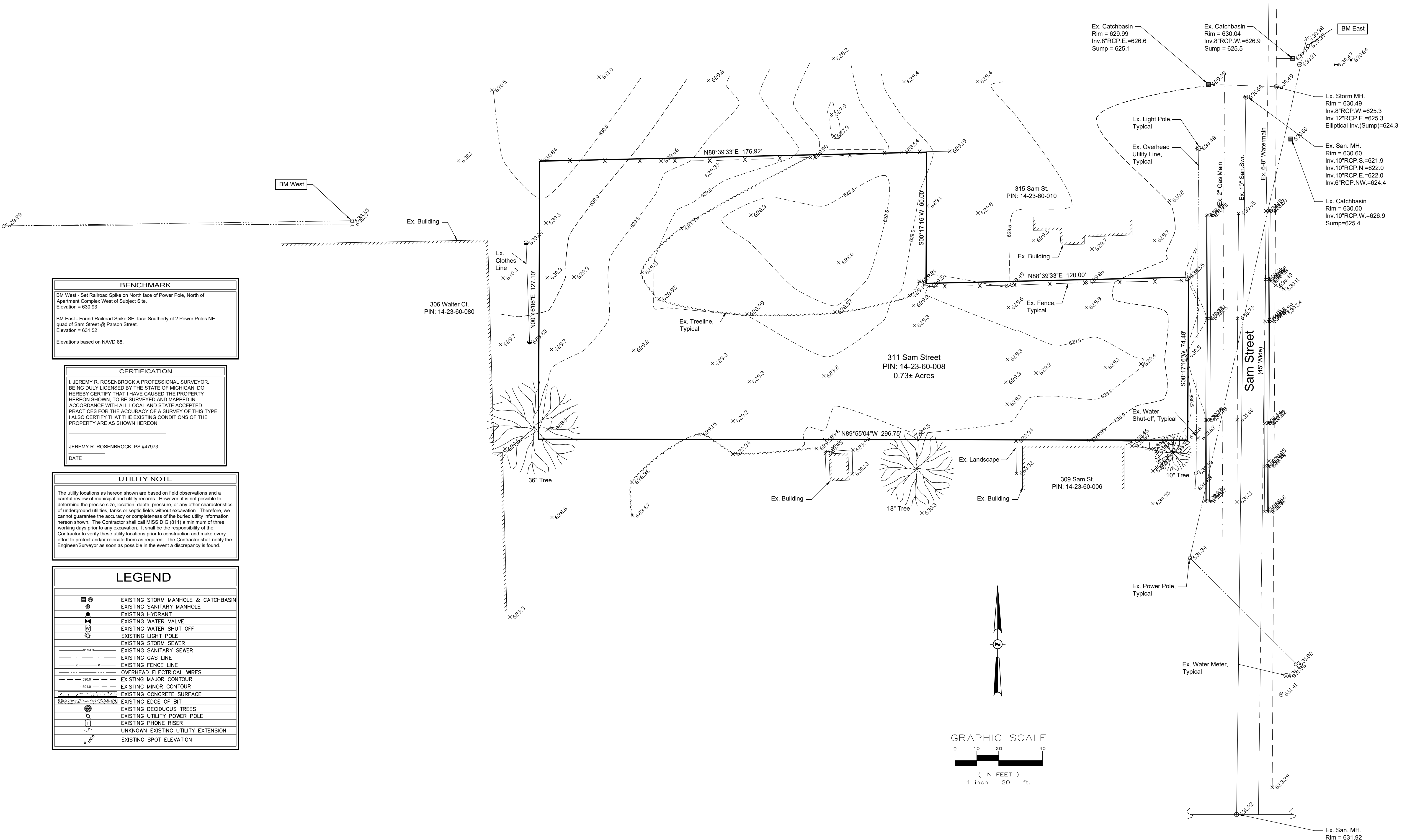
> 3173 Sam Street



CUP #68 | Midland County Habitat for Humanity

> 3174 Sam Street





BENCHMARK

BM West - Set Railroad Spike on North face of Power Pole, North of Apartment Complex West of Subject Site.
Elevation = 630.93

BM East - Found Railroad Spike SE. face Southerly of 2 Power Poles NE. quad of Sam Street @ Parson Street.
Elevation = 631.52

Elevations based on NAVD 88.

CERTIFICATION

I, JEREMY R. ROSENBRICK A PROFESSIONAL SURVEYOR, BEING DULY LICENSED BY THE STATE OF MICHIGAN, DO HEREBY CERTIFY THAT I HAVE CAUSED THE PROPERTY HEREON SHOWN, TO BE SURVEYED AND MAPPED IN ACCORDANCE WITH ALL LOCAL AND STATE ACCEPTED PRACTICES FOR THE ACCURACY OF A SURVEY OF THIS TYPE. I ALSO CERTIFY THAT THE EXISTING CONDITIONS OF THE PROPERTY ARE AS SHOWN HEREON.

JEREMY R. ROSENBRICK, PS #47973
DATE _____

UTILITY NOTE

The utility locations as hereon shown are based on field observations and a careful review of municipal and utility records. However, it is not possible to determine the precise size, location, depth, pressure, or any other characteristics of underground utilities, tanks or septic fields without excavation. Therefore, we cannot guarantee the accuracy or completeness of the buried utility information hereon shown. The Contractor shall call MISS DIG (811) a minimum of three working days prior to any excavation. It shall be the responsibility of the Contractor to verify these utility locations prior to construction and make every effort to protect and/or relocate them as required. The Contractor shall notify the Engineer/Surveyor as soon as possible in the event a discrepancy is found.

LEGEND

	EXISTING STORM MANHOLE & CATCHBASIN
	EXISTING SANITARY MANHOLE
	EXISTING HYDRANT
	EXISTING WATER VALVE
	EXISTING WATER SHUT OFF
	EXISTING LIGHT POLE
	EXISTING STORM SEWER
	EXISTING SANITARY SEWER
	EXISTING GAS LINE
	EXISTING FENCE LINE
	OVERHEAD ELECTRICAL WIRES
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING CONCRETE SURFACE
	EXISTING EDGE OF BIT
	EXISTING DECIDUOUS TREES
	EXISTING UTILITY POWER POLE
	EXISTING PHONE RISER
	UNKNOWN EXISTING UTILITY EXTENSION
	EXISTING SPOT ELEVATION

PREPARED UNDER THE SUPERVISION OF:

311 SAM STREET
EXISTING CONDITIONS
SW 1/4, SECTION 23 T14N-R02E
CITY OF MIDLAND
MIDLAND COUNTY, MI

TOPOGRAPHIC SURVEY

PROJECT LOG

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Walter Ct.

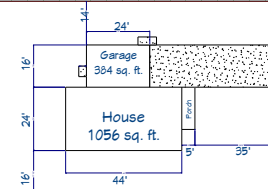
316 Walter Ct.
Residential Improve
4011

306 Walter Ct.
Commercial APT
2022

311 Sam St

321 Sam St.
Residential Improve
4011

315 Sam St.
Residential Improve
4011



309
Zoned RB
single family home

Sam St.

N

DRAWINGS PROVIDED BY:

DATE:

2/13/2020

SCALE:

SHEET:

A-1

PROJECT DESCRIPTION: Sam St

Site plan

SHEET TITLE: 3 Bedroom Plan

NO. DESCRIPTION

BY

DATE

306 Walter Ct.
Commercial APT
2022

316 Walter Ct.
Residential Improve
4011

311 Sam St

315 Sam St.
Residential Improve
4011

309
Zoned RB
single family home

Garage
384 sq. ft.

House
1248 sq. ft.

Front

321 Sam St.
Residential Improvement
4011

315 Sam St.
Residential Improve
4011

309
Zoned RB
single family home

House
1248 sq. ft.

Garage
384 sq. ft.

ential I
011

How to Study

120°

Sam St.

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DRAWINGS PROVIDED BY:

DATE:

2/13/2020

SCALE:

SHEET:

A-1

311 Sam St.
Site Plan

SHEET TITLE:
4 Bedroom
plan

NO.	DESCRIPTION	BY	DATE
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PUBLIC HEARING NOTICE
 City of Midland
 CONDITIONAL USE PERMIT NO. 68

L-8971

In accord with Section 28.02 of the Zoning Ordinance of the City of Midland, please take notice that a public hearing will be held by the City Planning Commission on Tuesday, March 10, 2020, which begins at 7:00 p.m. in the **Multipurpose Room located at the Law Enforcement Center at 2727 Rodd Street.** The following request will be considered:

The request of Midland County Habitat of Humanity to approve a Conditional Use Permit for a single family residential dwelling in an RB Multiple-Family Residential zoning district. The property is located at 311 Sam Street.

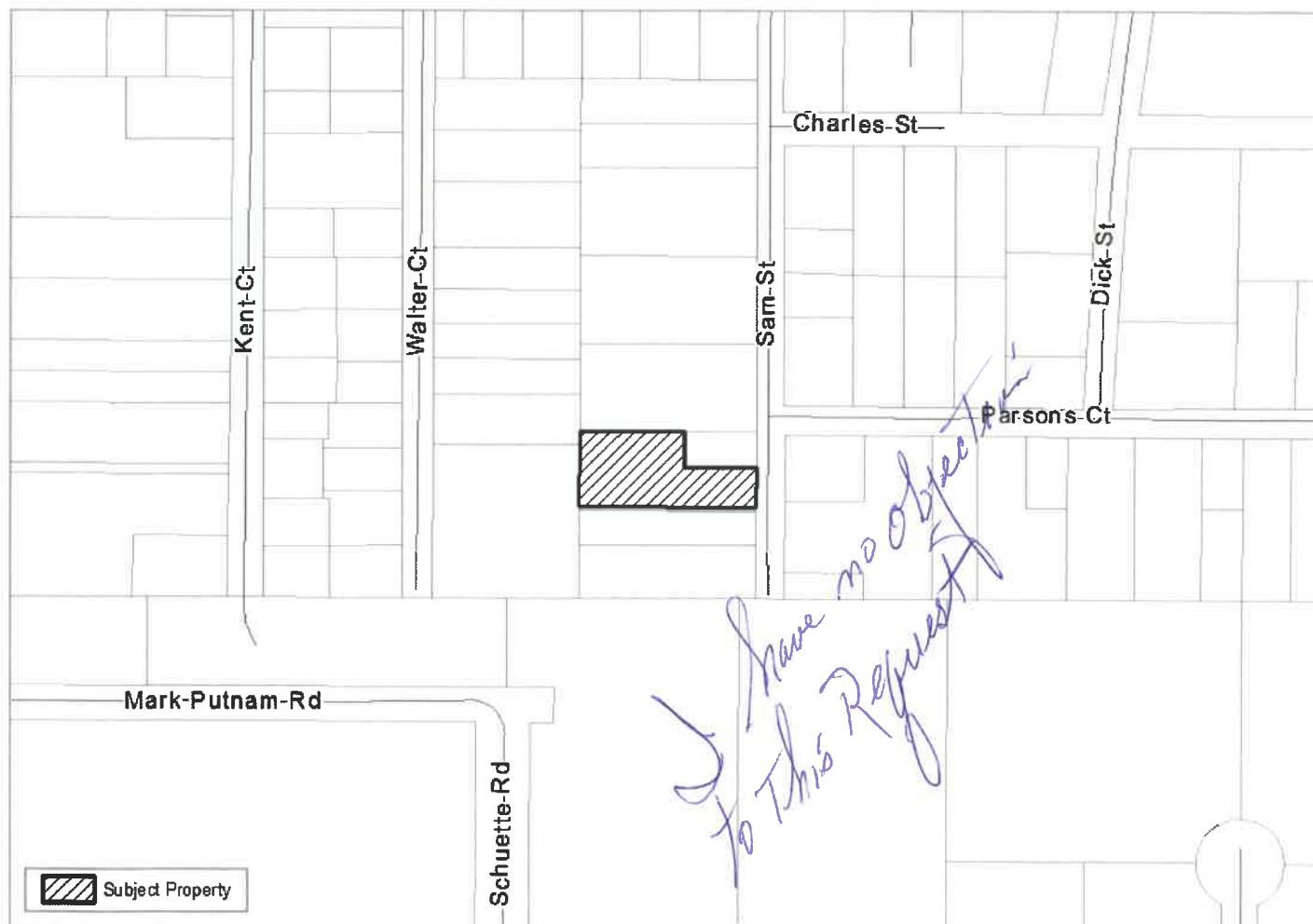
Additional information may be obtained by contacting the City of Midland Planning Department at (989) 837-3374 during the City's regular hours of 8:00 am to 5:00 pm Monday through Friday. Written comments regarding the application may be submitted in writing by May 27, 2019 to *City of Midland Planning Department, 333 West Ellsworth Street, Midland, Michigan 48640.*

Grant R. Murschel
 Director of Planning & Community Development



CUP #68 | Midland County Habitat for Humanity

> 311 Sam Street



Item Attachment Documents:

20. * CDBG Budget 2019-2020 - Action to set public hearing to approve of the proposed budget for fiscal year 2020-2021 for the Community Development Block Grant program. MURSCHEL

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 16, 2020

SUBJECT: 2020-2021 Community Development Block Grant Budget

INITIATED BY: Department of Planning and Community Development

RESOLUTION

SUMMARY: This resolution schedules a public hearing for April 27, 2020 to approve the proposed budget for fiscal year 2020-2021 for the Community Development Block Grant program.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report Housing Commission
4. Housing Commission Minutes

COUNCIL ACTION:

1. Public hearing is required: April 27, 2020
2. Advertising date: March 26, 2020
3. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning and Community Development

GRM



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 11, 2020

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

As a requirement of the Community Development Block Grant (CDBG) program, the City of Midland is required to formulate an annual budget that outlines the planned activities to be accomplished during the upcoming fiscal year. The development of this budget begins with community engagement through a set of public input sessions held in December prior to the start of the fiscal year. In January, staff receives applications from various local nonprofit social service organizations and housing providers proposing use of CDBG funds to support activities that meet the federal statutory goals and City objectives of the program. During early February, the applicants are able to present their requests to the Midland City Housing Commission during a special meeting.

Following the applicants' presentations, staff formulates a proposed budget to the Housing Commission for their review and recommendation. This proposed budget includes award amount recommendations on the various applications and any planned expenditures for various City-administered activities, such as general planning/administration and contingency funds. The Housing Commission takes the staff proposal and then formulates a recommended budget to City Council. Upon receipt of that recommendation, City Council sets a public hearing for the purpose of receiving additional public input on the budget, allowing for the required 30-day public comment period to take place.

For fiscal year 2020-2021 the City of Midland anticipates receiving \$224,809 in new CDBG entitlement funds from HUD. Staff anticipates \$111,646 will be available in carry-over funds from prior years. In addition, an estimated \$20,000 in program income will be received during the year, making for a total of \$356,455 in available funds for the 2020-2021 fiscal year.

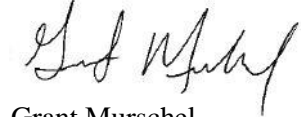
Enclosed are the CDBG expenditure proposals for fiscal year 2020-2021. Comments on the various activities to be funded are contained within the Housing Commission staff report. Notably, this year's estimated entitlement amount is lower than years past and the anticipated carry-over amount is much lower; this has resulted in a smaller overall budget than in previous years. As such, many of the proposed grant requests are not recommended for funding. In total, only three (3) grants to subrecipients are recommended.

Following a public hearing and deliberation on the proposed CDBG budget during their meeting on February 25, 2020, the Housing Commission took the following action: It was moved by Mortensen and seconded by King to recommend approval to City Council of the proposed CDBG 2020-2021 budget as presented in the staff report dated February 17, 2020. The motion was approved (3-1), with Commissioner Garchow abstaining.

The Housing Commission found that the proposed budget funds projects that are in alignment with the City's overall goals of the CDBG program, the 2018 Midland County Housing Analysis, and the recent focus areas adopted by the Housing Commission.

A resolution setting the public hearing for April 27, 2020 to consider the CDBG 2020-2021 budget is attached for City Council consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant Murschel", is written over a faint, light-colored rectangular stamp.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the City of Midland is estimated to receive \$224,809 in Community Development Block Grant (CDBG) funds for fiscal year 2020-2021 from the U.S. Department of Housing & Urban Development; and

WHEREAS, it is expected that the City will have a fund balance of \$111,646 that will be carried over from prior fiscal years; and

WHEREAS, it is expected that the City will receive a total of \$20,000 in program income during the 2020-2021 fiscal year; and

WHEREAS, CDBG revenues totaling \$356,455 must be programmed to activities that meet the statutory goals and the City's objectives of the CDBG program, as outlined in the 2020-2025 Consolidated Plan; and

WHEREAS, on February 25, 2020, the Housing Commission unanimously recommended approval of the proposed 2020-2021 CDBG budget set forth in the attached table (Attachment A), which meets said goals and objectives of the CDBG program; and

WHEREAS, it is necessary to provide a 30-day public comment period on the proposed budget in accordance with federal requirements; now therefore

RESOLVED, that a public hearing will be held by the Midland City Council on April 27, 2020 at 7:00 p.m. in the City Council Chambers. City Hall, 333 West Ellsworth Street, Midland, Michigan, for the purpose of receiving public comment on the proposed 2020-2021 CDBG budget; and

RESOLVED FURTHER, that City staff is hereby directed to publish a notice of the public hearing by March 26, 2020.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, Deputy City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 16, 2020

Selina Tisdale, Deputy City Clerk

Attachment A
Community Development Block Grant | Proposed Budget 2020-21

<u>REVENUE</u>		Proposed Budget
Estimated HUD 2020-21 Entitlement	\$	224,809
Program Income	\$	20,000
2019-20 Carry-over	\$	<u>111,646</u>
Subtotal	\$	356,455
<u>EXPENDITURES</u>		
Planning/Administration	\$	48,900
Public Facilities Improvements		
Cleveland Manor - Kitchen & Bath Remodel	\$	100,000
Washington Woods – Energy Efficiency Upgrades	\$	<u>193,055</u>
Subtotal	\$	293,055
 Public Services		
Legal Services - Fair Housing Testing	\$	4,500
 Contingency	\$	10,000
<hr/>		
GRAND TOTAL	\$	356,455

**STAFF REPORT TO THE HOUSING COMMISSION
FOR THE MEETING OF FEBRUARY 25, 2020**

DATE: February 17, 2020

SUBJECT: Proposed 2020-2021 Community Development Block Grant Budget

As a requirement of the Community Development Block Grant (CDBG) program, the city is required to formulate an annual budget which sets out the anticipated activities for the year. This budget is the basis for the annual Action Plan that will be submitted to the U.S. Department of Housing and Urban Development (HUD) for approval before the start of each program year. The budget process begins with an initial proposal from staff which is presented to the Housing Commission. The Housing Commission reviews the proposal, revises it as the Commission sees fit and then formulates a recommendation onto City Council thereafter. Ultimately, City Council adopts the CDBG budget for the program year following their public hearing and a 30-day public comment period.

Staff has formulated the following CDBG budget proposal for the 2020-2021 program year that begins July 1, 2020. The total funding available for the annual budget is the sum of three pieces: yearly entitlement, carry-over from previous years, and program income. For the first piece, City staff anticipates receiving a smaller amount in entitlement funds as in previous years, if the trend of decreasing entitlement continues – approximately \$224,809. This estimate is the result of consultations with the City's HUD representative. For the second piece, staff anticipates that \$111,646 will be carried-over from the current program year (2019-2020) in unspent and unallocated funds. Lastly, \$20,000 in program income is estimated to be collected during the year. The total resulting amount is \$356,455.

Prior Year Carry-Over Funds

Staff has calculated an amount of carry-over funds based off the current budget and anticipated results of current activities and the budget outcomes for each activity. It is anticipated that most activities will come in as budgeted. It is not anticipated that any contingency funds will be used between now and the end of the year.

Proposed Activity Expenditures

The following is a summary of the proposed expenditures and the activities proposed to be funded. All proposed activities are considered to be in line with the goals and objectives of the 2020-2025 Consolidated Plan that is currently being drafted by staff.

GENERAL PROGRAM PLANNING AND ADMINISTRATION

The Planning & Administration category is capped at 20% of the year's entitlement amount (est. \$224,809) plus prior year program income (est. \$20,000). For 2020-2021, staff calculates this value at \$48,961

Planning/Administration

Identified Budget: \$48,900

These funds cover a portion of the salary and benefits of city staff (primarily the Community Development Planner) for administering the CDBG program, the cost of HUD training throughout the year, office supplies needed to administer the CDBG program, required notices in the Midland Daily News, and mortgage recording fees amongst other planning costs. This year's identified budget is reflective of a reduction in the estimated entitlement grant at \$48,900.

HOUSING REHABILITATION

Home to Stay: Health & Safety Home Repairs

Agency Request: \$40,000
 Staff Recommendation: \$0 (due to reduced budget availability)

Home to Stay (HTS) is requesting funds to provide eligible low-income city of Midland homeowners with health, safety, and emergency repairs to their homes. This funding focuses primarily on covering the costs associated with small, urgent-need repair projects. The projects are provided to the homeowners as a grant where the costs do not need to be repaid. Home to Stay was awarded \$30,000 for this project in PY 2019-20.

Habitat for Humanity & Home to Stay: Collaborative Roofing Initiative

Agency Request: \$50,000
 Staff Recommendation: \$0 (due to reduced budget availability)

Midland County Habitat for Humanity and Home to Stay have submitted a joint application for CDBG funding to cover costs associated with a new collaborative effort between the two organizations. This effort will seek to meet the needs of low-income homeowners who are in need of roof repairs or replacements. Home to Stay would conduct the intake and initial assessment, and Habitat for Humanity would provide the construction and financial administration. This joint venture between the two organizations was funded at \$50,000 in PY 2019-20.

Midland County Habitat for Humanity: Neighborhood Revitalization Critical Home Repair

Agency Request: \$20,000
 Staff Recommendation: \$0 (due to reduced budget availability)

Habitat for Humanity is requesting \$20,000 to purchase materials (windows, gutters, doors, shingles, etc.) for home improvements to two homes through its Neighborhood Revitalization Initiative. These homes will be in need of critical home repair, meaning that at least 15% of the home's value will be invested in improvements. Midland County Habitat for Humanity did not request funds for NRI Critical Home Repair in PY 2019-20 but has in prior years and been awarded dollars.

Ten16 Recovery Network: Recovery Home Rehabilitation

Agency Request: \$28,267
 Staff Recommendation: \$0 (due to reduced budget availability)

Ten16 Recovery Network is requesting \$28,267 to provide rehabilitation work at two (2) existing recovery homes, including a bathroom and furnace replacement amongst other work. Ten16 Recovery Network did not request funds for PY 2019-20.

PUBLIC FACILITY IMPROVEMENTS

Cleveland Manor: Three-Unit Kitchen & Bath Renovation

Agency Request: \$100,000
 Staff Recommendation: \$100,000

Rationale: The Cleveland Manor Project provides alignment with each level of goal and objective established for the CDBG Program:

National Objective:	Low/Moderate Income Housing & Clientele
City of Midland CDBG Goals:	Maintaining aging housing stock
Housing Commission Area of Focus:	Public Senior-citizen serving facilities

Cleveland Manor has requested \$100,000 to complete three (3) apartment kitchen and bathrooms. The bathroom renovation would supply apartments with tub cut-ins and an ADA toilet for aging residents facing physical challenges. Kitchen plumbing would be replaced along with the water heater and kitchen cabinets. Cleveland Manor was awarded \$100,000 for this project in PY 2019-20. (Subject to Davis-Bacon Requirements)

187 Washington Woods: Energy Efficiency (Air Handling & Heat Pumps)

Request:	\$225,646	
	Carryover from 2019-2020	\$95,646
	2020-21 Balance of Air Handling	\$100,000
	2020-21 Heat Pumps	\$30,000

Staff Recommendation: \$193,055 (due to reduced budget availability)

The Washington Woods project provides alignment with each level of goal and objective established for the CDBG Program:

National Objective:	Low/Moderate Income Housing & Clientele
City of Midland CDBG Goals:	Maintaining aging housing stock
Housing Commission Area of Focus:	Public Senior-citizen serving facilities

Washington Woods has requested a total of \$225,646 to complete the air handling project for which specifications were completed in PY 2019-20 (bids received were over budget) and to replace heat pumps at the facility. Washington Woods was awarded \$191,718 in PY 2019-20 for energy efficiency upgrades that were to include lighting, exterior door and air handling projects; it is anticipated that the lighting and exterior door projects will be completed with the air handling portion proposed as an extension. (Subject to Davis-Bacon Requirements)

PUBLIC SERVICES

The public services category is capped at 15% of the year's entitlement amount (est. \$224,809) plus prior year program income (est. \$20,000). For 2020-2021, staff calculates this cap to be \$36,721.

Legal Services of Eastern Michigan: Fair Housing Testing

Request: \$4,500

Staff Recommendation: \$4,500

Fair Housing Testing is the mechanism by which the City can most effectively further fair housing.

Legal Services is requesting \$4,500 to provide on-going testing and enforcement activities that will curb housing discrimination and guarantee equal opportunity access to housing within the city of Midland. On-going fair housing activities, including testing, are necessary and in line with the objective of the City's 2015 Fair Housing Plan. Legal Services of Eastern Michigan received \$4,500 for PY 2019-20.

Cancer Services: Transportation & Counseling

Request: \$10,000

Staff Recommendation: \$0 (due to reduced budget availability)

Cancer Services is requesting \$10,000 to provide transportation and counseling to low and moderate income clientele. Transportation is provided via volunteer drivers. Funds would specifically be used to cover the cost of fuel cards to assist those drivers. Cancer Services did not request funds in PY 2019-20.

Reece Endeavor: Transportation Assistance

Request: \$2,997

Staff Recommendation: \$0 (due to reduced budget availability)

Reece Endeavor of Midland is requesting \$2,997 to purchase 444 Dial-a-Ride ticket booklets for Reece Endeavor tenants receiving housing assistance. Reece Endeavor provides housing opportunities to persons with physical and cognitive disabilities with the vast majority of their clients relying on public transportation. Reece Endeavor received \$2,997 for PY 2019-20.

Midland County Former Offender Advocacy & Rehabilitation

Request: \$10,000

Staff Recommendation: \$0 (due to reduced budget availability)

Midland County Former Offender Advocacy & Rehabilitation has requested \$10,000 toward urgent housing needs for former offenders. MCFOAR did not receive funding in PY 2019-20.

188 Academic & Career Education Academy)

t: \$20,000
Staff Recommendation: \$0 (due to reduced budget availability)

ACEA is requesting \$20,000 toward the creation of a wellness room renovation to provide laundry, meal, rest and shower facilities for low / moderate income students. ACEA did not request funds in PY 2019-20.

ARCHITECTURAL BARRIER REMOVAL

Home to Stay: Accessibility Improvements

Request: \$10,000
Staff Recommendation: \$0 (due to reduced budget availability)

Home to Stay is requesting \$10,000 to provide extremely low-income Midland residents who are experiencing limited mobility impairments with accessibility ramps for their homes. These funds can provide up to seven ramps for low-income homes, including mobile homes. Home to Stay received \$10,000 for accessibility requests in PY2019-20.

CONTINGENCY

Contingency

Request: \$10,000
Staff Recommendation: **\$10,000**

Contingency funds are a best practice and thus included in the CDBG budget, as HUD allocations are not confirmed and unforeseen cost overruns for funded projects are possible. Staff is recommending inclusion for the ability to respond to any unforeseen circumstances that might arise.

A table of the summary above can be found on the next page, labeled Attachment A.

In the Event of Additional Funding

Should additional funds become available due to a change in the yearly allocation, an increase in carry-over funds or an increase in program income, staff is recommending the following projects be prioritized for funding. The resulting list is in consideration of the goals and objectives of the City's CDBG program:

1. Fully funding the Washington Woods project {balance: \$24,191}
2. Midland County Habitat for Humanity & Home to Stay: Roofing Collaborative {\$50,000}
3. Home to Stay: Health & Safety Home Repairs {\$40,000}

Housing Commission Action

Staff currently anticipates that the Housing Commission will formulate a recommendation to City Council on the 2020-2021 CDBG Budget during its February 25, 2020 meeting. If this takes place, we anticipate that on March 16, 2020 the City Council will set the public hearing date for April 13, 2020 allowing for a 30-day public comment period. On April 27, 2020, we anticipate that the City Council will consider the 2020-2021 CDBG budget. Please note that these dates are preliminary and may be adjusted due to Housing Commission action and City Council agenda scheduling.

Respectfully Submitted,



Nicole M. Wilson - Community Development Planner

NMW/grm

2020-2021 CDBG Proposed Budget

<u>Sources</u>	<u>Staff Estimated Amount</u>
Estimated HUD CDBG '20-'21 Entitlement	\$ 224,809
Program Income	\$ 20,000
<u>2019-2020 Carry-forward</u>	<u>\$ 111,646</u>
	\$ 356,455

<u>Uses</u>	<u>Staff Proposed Budgeted Amount</u>
Planning/Administration	\$ 48,900
Public Facility Improvements	
Cleveland Manor – Kitchen & Bath Renovation	\$ 100,000
<u>Washington Woods – Energy Efficiency</u>	<u>\$ 193,055</u>
Public Facilities	\$ 303,055
Public Services	
<u>Legal Services - Fair housing testing</u>	<u>\$ 4,500</u>
Public Services	\$ 4,500
Contingency	\$ 10,000
Sub-Total	356,455

**MINUTES
SPECIAL MEETING OF THE
MIDLAND CITY HOUSING COMMISSION
TUESDAY, FEBRUARY 25, 2020 3:00 P.M.
CITY HALL - COUNCIL OVERFLOW CONFERENCE ROOM
333 W. ELLSWORTH STREET
MIDLAND, MI 48640**

1. Call to Order

Loose called the meeting to order at 3:05 pm.

2. Roll Call

PRESENT: Mortensen, Garchow, King, Moten, Loose

ABSENT: None

OTHERS

PRESENT: Grant Murschel, Director of Community Development
Nicole Wilson, Community Development Planner

3. Public Hearing

a. Community Development Block Grant 2020-2021 Budget

Garchow indicated his position on the board of directors for Midland County Habitat for Humanity; as such, he indicated he would abstain from voting on the proposed budget in light of Habitat for Humanity's grant request.

The proposed staff budget was presented by Wilson. Members of the Commission discussed the limited availability of funds compared to prior years and the limited amount of proposed grants to be funded, as proposed by staff.

The Commission debated funding other grant requests instead of Cleveland Manor in full, this would allow continuation of single-family housing rehabilitation programs to continue to receive CDBG funding.

It was also discussed that staff's proposal to have other grants be prioritized to receive funding in the event of additional funding is the right proposal. This includes 1) fully funding the Washington Woods project (\$32,591), 2) funding the Collaborative Roofing Initiative between Midland County Habitat for Humanity and Home to Stay (\$50,000), and 3) funding Home to Stay's Home Repairs (\$40,000).

Mortensen made a motion to recommend approval of Community Development Block Grant 2020-2021 Budget as presented by staff, seconded by King.

Yeas: King, Loose, and Mortensen

Nays: Moten

Abstain: Garchow

Motion carries 3-1

3. Public Comments

None

4. Future Meeting Date
 - a. Mid-March Special Meeting TBD
 - b. June 1, 2020 Regular Meeting
5. Adjournment

The meeting was adjourned by Chairman Loose at 4:14 p.m.

Respectfully submitted,



Grant Murschel, Director of Planning and Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE MIDLAND CITY HOUSING COMMISSION.